

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
JANUARY 22-23, 1991

RECORD COPY
File Name ADM-1-1-1 EPC Meeting
Senders Initials JY Jan. 1991

Meeting convenes at 10:00 a.m., January 22, 1991 in the fourth floor conference room and reconvenes on January 23, 9:00 a.m., if necessary.

Senator Jack Hester (Jan. 22)	11:00 a.m.
Senator Derryl McLaren (Jan. 22)	
Public Participation (January 22)	10:30 a.m.
App't. - Wm. Kurth (Coppinger + Nehman Appeal) (Jan. 22)	1:30 p.m.
Break	3:30 p.m.
Legislative Reception (January 23)	7:30 a.m.

1. Approve Agenda.
2. Approve Minutes of December 17, 1990.
3. Director's Report. (Wilson) Information.
4. Notice of Intended Action--Chapters 100, 102, 104, 110 and New Chapter 117, Waste Tire Storage and Processing Facilities. (Hay) Decision.
5. Toxic Cleanup Days Report - 1990. (Hay) Information.
6. Hazardous Waste Reduction Strategies. (Hay) Information.
7. Infectious Waste Inventory. (Hay) Information.
8. Financial Status Report. (Kuhn) Information.
9. Notice of Intended Action--Chapter 8, Contracts. (Kuhn) Decision.
10. Monthly Report. (Stokes) Information.
11. Proposed Rule--Chapter 66, Aquatic Pesticide Prohibited Discharges. (Stokes) Information.
12. State Revolving Fund Intended Use Plan - FY 91. (Stokes) Decision.
13. Emergency Adopted Rule and Notice of Intended Action--Chapter 68, Commercial Septic Tank Cleaners. (Stokes) Decision.
14. Notice of Intended Action--Chapter 61, Water Quality Standards: Stream Use Designations - Phase III. (Stokes) Decision.
15. Final Rule--Chapter 70, Floodplain Development Permits. (Stokes) Decision.
16. Final Rule--Chapter 135, Adopting U.S. EPA Rule Changes on Issuance of Certificate Evidencing Complete Remediation. (Stokes) Decision.

- 17. Final Rule--Chapter 136, Adopting Rule Changes Made in Federal Regulations (Financial Responsibility for USTs). (Stokes) Decision**
- 18. Groundwater Protection Strategy Biennial Update. (Combs) Decision.**
- 19. Proposed Contested Case Decision--First Iowa State Bank. (Combs) Decision.**
- 20. Proposed Contested Case Decision--Chicago & North Western Transportation Company; Hawkeye Land Company; and Blue Chip Enterprises. (Combs) Decision.**
- 21. Contested Case Appeal--Robert Coppinger and Velma Nehman. (Combs) Decision.**
- 22. Referrals to the Attorney General. (Combs) Decision.**
 - (a) Cedar Hills Apartments, Patti Frank**
- 23. General Discussion Items.**
- 24. Address Items for Next Meeting.**

NEXT MEETING DATES

February 18-19, 1991
March 18-19, 1991
April 15-16, 1991

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 22, 1991

NAME

COMPANY OR AGENCY

CITY

Rod Bohrt

CR Gazette

Bob Rosman

Radio Iowa

Jim Oaker

Waste Management of IA

Daniel E. Wilson

IFBF

Linda Gaidner

Iowa Hospital Assn

Dale Johnson

Farm Bureau Spokesman

Pat Stork

Iowa Society Hosp Care

Jim Crain

Clarinda Excavating Corp

Marcy Crain

GROWMARK, INC.

Blomington, IL

DAN VEST

Carlisle, IL

Marilyn Galtman

ASSOCIATED PRESS

DM

Tom Seem

Legislator

Jack Heller

Legislator

Larry M. Lerner

Iowa Petroleum Council 1991

Dave Smithman

MAYTAG

RAY RUCK

Coppinger Nehman Appeal

William D. Keith

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 22, 1991

NAME

COMPANY OR AGENCY

CITY

Robert Coppingen

Erwin Jansen

TED YAWLER

Bryce Harthorn

Kellen Chesney

Deere & Co

Deere & Co

Hyq Cat

Moline IL

Moline, IL

Jason City

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Minutes of the Environmental Protection Commission Meeting

January 22, 1991

Wallace State Office Building, Des Moines, Iowa

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JANUARY 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on January 22, 1991.

MEMBERS PRESENT

Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Mike Earley, William Ehm

ADOPTION OF AGENDA

The following appointments were added to the agenda:

Senator Jack Hester - 11:00 a.m.(UST rules)
Senator Derryl McLaren - 11:00 a.m.(UST rules)
William Kurth - 1:30 p.m. (Coppinger and Nehman appeal)

Motion was made by Richard Hartsuck to approve the agenda as amended. Seconded by Nancylee Siebenmann. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Margaret Prahl to approve the minutes of December 17, 1991 as presented. Seconded by Gary Priebe. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson reported that the department has received a copy of the state budget and Stan Kuhn will need to work with the

Department of Management on interpretation and analysis of same, and will report to the Commission at this meeting.

Discussion took place regarding the legislative reception planned for Tuesday morning.

NOTICE OF INTENDED ACTION--CHAPTERS 100, 102, 104, 110 AND NEW CHAPTER 117, WASTE TIRE STORAGE AND PROCESSING FACILITIES

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to approve the proposed rules on storage and processing of waste tires for filing as a Notice of Intended Action. These rules are in response to legislative mandate, section 455D.11 (1989 Code Supp.), that the department develop rules for waste tire stockpiling facilities. These rules are intended to provide for environmentally safe management of waste tires when the ban on land disposal of whole tires takes effect on July 1, 1991.

The proposed rules require that persons who store more than 500 waste tires obtain a sanitary disposal project permit. The maximum number of waste tires allowed at any storage site is limited to 2,500. The rules also include requirements for the size, location of tire stockpiles, as well as requiring fire, pest control, closure and financial assurance plans for every tire facility.

Significant changes from the draft rules presented to the commission in December include:

- The definitions of "large truck tire", "passenger tire" and "tractor tire" were changed to clarify that the diameter is intended to be measured between the bead. In addition, the definition of "tractor tire" was changed to remove the reference to the type of vehicle.

- Subrule 117.3(3) was amended to include manufacturers. This will allow for the storage of up to 2,500 defective tires by manufacturers without requiring a sanitary disposal project permit.

- Subrule 117.3(4)"i" was change to clarify the need to cover tire piles year round if chemical pest control is not used.

The commission had several questions regarding the proposed rules as presented at the December meeting. The following is a discussion of those questions.

- The storage of 500 waste passenger tires or their equivalent in weight requires a sanitary disposal project permit. Section 455D.11(1)"d" defines a "tire collector" as "a person who owns or operates a site for the storage, collection, or deposit of more than fifty waste tires." For outdoor storage permitting purposes, the department has determined that tire piles smaller than 500 waste passenger tires do not pose the same potential fire and vermin risks as larger piles.

- A question was raised regarding the potential limitations subrule 117.3(3) might place on tire dealers who sell very large implement tires, some weighing up to 500 pounds. This subrule allows dealers to store up to 50,000 pounds of tires, or 100 tires weighing 500 pounds. The department does not view this as an excessive restriction.

- All waste tire stockpiles must be surrounded by 50 foot fire lanes. This requirement was included based on the fire lanes current permit requirements and those of other states.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 and 455D.11 (1989 Code Supplement), the Environmental Protection Commission of the Department of Natural Resources gives notice of intended action to amend Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 102, "Permits," Chapter 104, "Sanitary Disposal Projects with Processing Facilities," and Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities," and adopt new Chapter 117, "Requirements for Waste Tire Facilities," Iowa Administrative Code.

These rules pertain to the environmentally safe storage, processing and disposal of waste tires.

Any interested person may file written comments or suggestions on the proposed rules through March 12, 1991. Such written materials should be directed to Susan Miller or Gaye Wiekierak, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034. FAX: 515/281-8895. Persons are also invited to present oral or written comments at public hearings to be held on March 12, 1991 at 1:30 p.m. in the 5th floor conference room of the Wallace State Office Building, 900 E. Grand, Des Moines, Iowa; on March 14, 1991 at 1:00 p.m. at City Hall council chambers, 19 South Delaware, Mason City, Iowa; on March 19, 1991 at 7:00 p.m. at the Atlantic Municipal Utilities meeting room, 15 West 3rd St., Atlantic, Iowa; and on March 21, 1991 at 7:00 p.m. at the Iowa City Public Library meeting room, 120 South Linn, Iowa City, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small businesses.

These rules are intended to implement section 455B.307 of the Code of Iowa and 455D.11 (1989 Iowa Code Supp.)

ITEM 1. Amend 567--100.1 by adding the following chapter description in numeric order:

Chapter 117 details the requirements for outdoor storage and processing of waste tires.

ITEM 2. Amend 567--102.2(1) as follows:

(1) Sanitary disposal project permit. This permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects which comply with the requirements described in chapters 103 to 106 and 117 of these rules.

ITEM 3. Amend 567--102.15 by adding the following new subrule:

(4) Waste Tires.

Pursuant to Iowa Code section 455D.11(2), land disposal of waste tires is prohibited as of July 1, 1991 unless processed in accordance with the following:

a. For passenger tires, as defined in Chapter 567--117 IAC, processing means, at a minimum, shredding, cutting or chopping each tire into pieces that are no longer than 12 inches on any side;

b. For large truck and tractor tires, as defined in Chapter 567--117 IAC, processing means, at a minimum, splitting each tire in two approximately equal pieces around the circumference of the tire.

ITEM 4. Amend 567--104.1 by adding the following:

Any waste tire processing facility shall comply with the requirements of chapter 117, in addition to the requirements of chapter 102.

ITEM 5. Amend 567--110.1 as follows:

567--110.1(455B) Applicability. This chapter pertains to the hydrologic monitoring system standards for solid waste disposal facilities, except waste tire storage and processing facilities.

ITEM 6. Adopt new 567--Chapter 117, "Requirements for Waste Tire Facilities".

567--117.1(455B, 455D) Scope and Applicability. This chapter pertains to special requirements for waste tire storage and processing facilities. In addition, these facilities shall comply with the requirements of Chapter 100, Chapter 101 and Chapter 102.

567--117.2 (455B, 455D) Definitions.

"End user" means the person who uses the heat content or other form of energy from the incineration, combustion or pyrolysis of waste tires or the last person who uses the tires, shredded tires, or other tire derived materials to make a product with economic value. End user does not include a person who produces shredded tires or other tire derived materials and gives or sells them to another person.

"Floodplain" means the land adjacent to a stream which has been or may be inundated by a flood having the magnitude of a regional flood as defined in Iowa Administrative Code 567--70.

"Indoor" means confined in a building or structure with walls and a roof; sheltered from the elements.

"Large truck tire" means a truck tire that measures more than 16.5 inches but less than 24 inches in bead diameter.

"Mobile tire shredder" means a machine capable of producing a shredded waste tire and which can also be moved from one site to another by the use of a trailer.

"Passenger tire" means an automobile or truck tire that measures no more than 16.5 inches in bead diameter or that weighs no more than 20 pounds.

"Ravine" means a narrow, deep linear depression in the land that is a feature carved by running water.

"Retreader" means a company that applies new tire tread to reusable tire casings.

"Shoreland" means land within 300 feet of the high water mark of any natural or artificial, publicly or privately owned lake or any impoundment of water used as a source of public water supply.

"Shredded waste tire" means a tire that has been reduced by cutting to pieces of a size no greater than 12" on the longest side.

"Sinkhole" means any depression caused by dissolution or collapse of subterranean materials in a carbonate formation or in gypsum or rock salt deposits through which water may be drained or lost to the local groundwater system. Such depressions may or may not be open to the surface at times. Intermittently, sinkholes may hold water forming a pond.

"Tire" means, for the purpose of these rules, a pneumatic, rubber covering for a vehicle wheel.

"Tire dealer" means a person or persons who sell new or retreaded tires retail for use on vehicles.

"Tractor tire" means a tire measuring 24 inches or more in bead diameter.

"Waste tire" means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect.

"Waste tire facility" means any waste tire storage, processing or recycling location; including buildings, equipment and grounds.

"Waste tire processing facility" means a waste tire facility that produces tire derived materials that, at a minimum, meet the requirements for land disposal of waste tires.

"Waste tire storage facility" means a waste tire facility that collects and stockpiles waste tires or shredded tires.

"Waste tire storage area" means that portion of the waste tire facility where tires are stockpiled.

"Weight equivalents" means the amount, in weight, of tires or material equal to the weight of one passenger tire (20 pounds).

"Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils conditions.

567--117.3(455D) Outdoor storage of whole, quartered, and halved waste tires. Outdoor storage of more than 500 whole waste passenger tires or their equivalent in weight of quartered or halved tires requires a sanitary disposal project permit. Facilities existing as of the effective date of this chapter shall have six months to obtain a sanitary disposal project permit.

117.3(1) The maximum number of waste tires allowed at any permitted storage facility is 2,500 waste passenger tires or their equivalent in weight.

117.3(2) The maximum length of time any waste tire can be stored at a permitted facility is six months.

117.3(3) Manufacturers, retreaders, salvage operators, and tire dealers shall not be required to obtain a sanitary disposal project permit, provided that they store no more than 2,500 waste passenger tires or their equivalent in weight at any given time, and provided they

a. Notify the department of this activity.

b. Keep a record of each delivery of waste tires that is made to and from their establishment. This record must include: the sources of the waste tires; the amount of tires shipped; the name of the transporter; in cases where an independent hauler is hired, the registration number of the hauler; the destination of the shipment; and a verifying signature from the receiving facility.

117.3(4) Facility storage restrictions.

a. Only waste tires and tire pieces may be stored in the designated waste tire storage area.

b. A waste tire storage facility shall not be constructed or operated in a wetland, sinkhole, shoreland, ravine, floodplain, or any area where it may be subjected to submersion in water.

c. Access to the storage area of the facility shall be restricted and a gate shall be provided at the entrance to the storage area and shall be kept locked when an attendant is not on duty.

d. Piles shall not contain more than 1,000 waste passenger tires or their equivalent in weight per pile, nor shall it be higher than 10 feet in height or cover an area of more than 500 square feet.

e. Each pile shall be surrounded by a 50-foot fire lane.

f. Any activity involving the use of open flames, blow torches, or flammable substances is prohibited within 100 yards of a tire pile.

g. All vegetation within 50 feet of a tire pile shall be kept to less than three inches in height.

h. The waste tire storage area shall be so situated or constructed as to divert surface water around and away from the tire piles.

i. Vector control. The owner or operator shall maintain tire piles free of mosquitoes and rodents. In lieu of seasonal chemical mosquito control, the tire pile may be covered year round with an impermeable cover.

j. Any waste tire storage facility shall not be located within 100 yards of a residential area.

117.3(5) Emergency plan. All permitted waste tire facilities shall have an approved emergency plan on file at the facility. All facility staff shall be familiar with the emergency plan and be capable of initiating the plan in the event of an emergency. All emergency plans shall include the name of the fire department and any local disaster services department that will be contacted in the case of a tire fire, as well as a statement from each department that it will respond and has the capability to manage a tire fire and, if necessary, evacuate any persons within the affected area. Additionally, the emergency plan shall contain a description of fire fighting equipment available at the site in accordance with the State Fire Marshall. This emergency shall be reviewed and approved by the Department of Natural Resources.

117.3(6) Closure plan. Each tire facility shall identify another facility that will accept whole waste tires and one that will accept waste tire chips and the cost to dispose of the maximum number of tires the facility can store both indoors and outdoors on property either owned or leased by the waste tire facility.

117.3(7) Financial Assurance. Permitted waste tire facilities shall comply with all financial assurance requirements for sanitary disposal projects.

117.3(8) Annual report. Each tire facility shall keep a log of the number of tires received, the number processed during each fiscal year, and the destination of any tires or tire derived material shipped off site. This log shall be kept on file for three years. Each facility shall submit this information annually in a report to the department.

567--117.4 (455B, 455D) Outdoor storage of more than one ton of shredded tires requires a sanitary disposal project permit. Existing facilities have six months from the effective date of these rules to comply.

117.4(1) Piles of shredded tire materials may be no bigger than 10 feet high and cover an area of no more than 500 square feet.

117.4(2) All of the storage restrictions for whole, quartered or halved tires apply to the storage of shredded tires, except 117.3(4) subrules "d" and "i".

567--117.5(455B, 455D) Waste tire processing facilities require a sanitary disposal project permit. Existing facilities have six months from the effective date of these rules to comply.

117.5(1) Storage at a waste tire processing facility shall be limited to ten times the average daily capacity of the processing equipment, based on an eight hour day.

117.5(2) Waste tire processing facilities shall adhere to rules 117.3(2) and 117.3(4) through 117.5(3).

117.5(3) Mobile tire shredders are not required to obtain a sanitary disposal project permit provided they do not store waste tires on their property or they only operate the shredder at a permitted facility. End users of waste tires are not required to obtain a permit, provided they are not also processing tires for the use of others, and storage is in compliance with 117.3(4), 117.3(5), and 117.4.

Date

Larry J. Wilson, Director

Ms. Hay gave a brief explanation of the rules.

Discussion followed.

Motion was made by Margaret Prah1 to approve Notice of Intended Action--Chapters 100, 102, 104, 110 and New Chapter 117, Waste Tire Storage and Processing Facilities. Seconded by Rozanne King. Motion carried unanimously.

PUBLIC PARTICIPATION

Chairperson Mohr announced Public Participation at 10:30 a.m.; no one requested to speak.

TOXIC CLEANUP DAYS REPORT

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The 1990 Toxic Cleanup Report was submitted to the Governor and the General Assembly on December 31, 1990, as required by law. The report contains information on the four events sponsored by the Department: Hamilton, Marshall, Wappello-Davis, and Woodbury counties. Also discussed are the two events sponsored entirely by local governments: Black Hawk and Polk counties.

A significant change seen in the 1990 events was an overwhelming increase in participation rates. At the Hamilton County event, 7.8% of the counties households brought household hazardous material to the Toxic Cleanup Day.

In addition, the report contains background information on household hazardous materials and an update of the Household Hazardous Materials program.

A copy of the report is on file in the department's Records Center.

Ms. Hay presented an overview of the report. She noted that the request for proposals has been substantially revised. Ms. Hay stated that one of the main problems encountered was the long wait in line to drop off materials. She related that in upcoming events they will try running the events for one week and set it up on an appointment basis.

Clark Yeager commented that a paint, oil and battery collection day should be held ahead of the ordinary Toxic Cleanup Days and more volunteer help should be utilized.

Ms. Hay stated that in using volunteer help, people at the local level have to be adequately trained to lessen the department's liability risk.

Discussion followed.

This was an informational item; no action was required.

HAZARDOUS WASTE REDUCTION STRATEGIES

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following items.

The 1989 Waste Minimization and Disposal Act required the Department of Natural Resources to consult with industry and make

recommendations to the General Assembly by January 1, 1990, concerning the following:

- 1) The possible application of a front-end fee for the substances which result in the generation of hazardous waste.
- 2) The role of state government in assisting industry in establishing on-site, internal waste audits.
- 3) The identification of other measures which will encourage and assist generators in reducing their hazardous waste.

The Waste Management Authority Division completed a report addressing the above issues and has submitted it to the General Assembly. The report discusses the existing fees that are applicable to hazardous waste generators and managers and it describes Iowa's Waste Reduction Assistance Program (WRAP), administered by the DNR. The report also includes an analysis of several approaches which can be used to promote hazardous waste reduction.

The report concludes with a set of recommendations which were developed with extensive input from industry representatives. The recommendations specify actions which will foster pollution prevention within a competitive business environment and enable the state to achieve a hazardous waste reduction goal of 25% by 1994. In summary the report recommends:

- 1) A pilot recycling program for conditionally exempt small quantity generators should be established in conjunction with permanent household hazardous materials collection sites.
- 2) Facilities subject to the toxics release reporting requirements under Title III (TRI) of the Superfund Amendments and Reauthorization Act (SARA) and Resource Conservation and Recovery Act (RCRA) large quantity generators should be encouraged to develop a Pollution Prevention Plan.
- 3) All facilities subject to TRI reporting requirements and RCRA large quantity generators should be subject to a planning fee. Facilities choosing to develop a Pollution Prevention Plan should be required to submit a \$500 fee and those choosing not to develop a plan should be required to submit a fee of \$10,000.
- 4) The existing flat fee structure imposed upon generators and managers of hazardous waste should be substantially increased. The existing differential fee structure based upon various management activities should be changed to reflect the preferred methods of the hazardous waste management hierarchy. The penalty for failing to submit the appropriate fees should be strengthened.

5) The DNR should be given the legislative authority to use a portion of the revenue generated from the imposition of the hazardous waste fees to encourage industry to utilize source reduction and recycling in managing their hazardous waste.

A copy of the report is on file in the department's Records Center.

Ms. Hay explained the report and recommendations in detail.

Gary Priebe questioned why facilities should have to pay a \$500 fee when they have already submitted a pollution prevention plan. He added that it seems that we are constantly tacking another license or fee on business and industry to make them clean up their mess. He related that it would seem that if they did not do the clean up, then it would be time to say they would have to contribute.

Director Wilson stated that the money to pay for these programs has to come from somewhere and the generator/user usually has to provide those monies.

Discussion followed.

Clark Yeager expressed concern that the report was sent to the legislature before the Commission had a chance to see it.

Chairperson Mohr noted that it is the consensus of the Commission that at least one Commission member serve on any environmental advisory groups and draft copies of reports be presented to the Commission before going to the legislature.

This was an informational item; no action was required.

APPOINTMENT - SENATOR JACK HESTER (Item #16)

Addressing agenda Item #16, Jack Hester, State Senator, expressed his concerns regarding requirements for ongoing remedial action for USTs. Specifically, he referred to page 2 of the rule, second sentence of item "c" and noted that this negated the intent of HF 2151. He stated that there is no problem in regards to new releases.

APPOINTMENT - SENATOR DERRYL McLAREN (Item #16)

Addressing agenda Item #16, Derryl McLaren, State Senator, stated that in regards to page 2, item f, he basically sees it as a disclaimer. He noted that his major concern is that the

rules draw a distinction between an old contaminant and a new contaminant so people can move on and market their property.

Mr. Stokes explained the intent behind item "c" in the second sentence. He stated that the question is whether or not, once the site is certified clean, a demand for further remediation caused by the then applicable standards should be made.

Richard Hartsuck suggested changing the rule to say that once a site is certified clean, it is then closed out.

Gary Priebe commented that a certificate of completion is worthless without being able to say remediation is final.

Mr. Stokes stated that a language change could be made without going back to public hearing because it would be making the rules less restrictive and would not pose a burden to the public.

Chairperson Mohr stated that these comments will be considered when the item is taken up at its regular time on the agenda. She thanked Senators Hester and McLaren for presenting their concerns to the Commission.

INFECTIOUS WASTE INVENTORY

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The 1989 General Assembly passed House File 722 relating to infectious waste management. One of the requirements of the bill was the compilation of an inventory of generators of infectious waste and the amount of waste they generate. The inventory and a report of the results are to be submitted to the General Assembly by January 15, 1991.

In addition to detailing the inventory, the report discusses the availability of treatment capacity for the infectious waste generated within the state and briefly addresses several other issues related to infectious waste management. The Commission will be provided a copy of the report as submitted to the General Assembly for your review.

A copy of the report is on file in the department's Records Center.

Ms. Hay gave a detailed explanation of the report.

Nancy Lee Siebenmann asked if it is anticipated that the department will be asked to make recommendations as a result of the report.

Ms. Hay responded that she does not know if the legislature will seek recommendations. She added that there was an interim committee on Infectious Waste Management that met last summer and fall but they were not asked for more than basic discussion of some issues.

Director Wilson asked if the Commission would like to have a member serve on the interim committee.

Chairperson Mohr appointed Nancylee Siebenmann to serve on this committee.

Director Wilson commented that Teresa Hay, staff, and all the citizens of the state that participated in preparation of these reports did a fine job.

This was an informational item; no action was required.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for your review are the Year-To-Date Financial Status reports, by division, as of 12/31/90. These reports compare YTD expenditures to the YTD budget. The YTD budget amounts, at this point, are simply 6/12th's of the annual budget.

The official budget has not been adjusted for the planned \$540,000 reduction in General Fund support for FY91. Therefore, the "under-budgets" in programs funded by the General Fund will be negatively impacted when that happens. The programs most likely to be affected are Parks, Preserves, and Recreation; Forests and Forestry; Floodplains; and the support divisions.

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/90

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	TOTAL EXPENDITURES 12/01/90 - 12/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	16,456.65	109,394.05	134,687.00	25,292.95-	269,374.00
202 PERSONAL TRAVEL	1,745.35	13,605.02	20,000.00	6,394.98-	40,000.00
301 OFFICE SUPPLIES	3.15	169.41	1,000.00	830.59-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	0.00	174.78	375.00	200.22-	750.00
308 OTHER SUPPLIES	0.00	3.19	600.00	596.81-	1,200.00
309 PRINTING & BINDING	2,910.25	8,448.55	7,000.00	1,448.55	14,000.00
410 DATA PROCESSING	0.00	609.10	2,400.00	1,790.90-	4,800.00
414 REIMBURSEMENTS TO OTHER A	89.78	144.78	375.00	230.22-	750.00
DIVISION TOTAL	21,205.18	132,548.88	166,437.00	33,888.12-	332,874.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/90

	TOTAL EXPENDITURES 12/01/90 - 12/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	299,232.02	1,999,440.37	2,059,853.00	60,412.63-	4,119,712.00
202 PERSONAL TRAVEL	3,948.39	22,676.44	30,175.00	7,498.56-	60,350.00
203 STATE VEHICLE OPERATION	8,057.71	26,056.00	30,250.00	4,194.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,474.84	32,859.84	36,250.00	3,390.16-	72,500.00
301 OFFICE SUPPLIES	31,673.93	231,583.57	173,170.00	58,413.57	346,340.00
302 FACILITY MAINTENANCE SUPP	0.00	141.68	850.00	708.32-	1,700.00
303 EQUIPMENT MAINTENANCE SUP	2,655.66	21,371.66	25,000.00	3,628.34-	50,000.00
308 OTHER SUPPLIES	648.35	2,610.12	7,745.00	5,134.88-	15,490.00
309 PRINTING & BINDING	1,430.35	5,234.45	18,337.00	13,102.55-	36,675.00
312 UNIFORMS & RELATED ITEMS	17.99	43.82	1,500.00	1,456.18-	3,000.00
401 COMMUNICATIONS	11,881.05	87,387.46	117,150.00	29,762.54-	234,300.00
402 RENTALS	66.80	183.80	250.00	66.20-	500.00
406 OUTSIDE SERVICES	641.76	17,753.17	29,150.00	11,396.83-	58,300.00
410 DATA PROCESSING	26,100.90	77,517.62	61,350.00	16,167.62	122,700.00
412 AUDITOR OF STATE REIMBURS	0.00	48,556.00	40,000.00	8,556.00	80,000.00
414 REIMBURSEMENTS TO OTHER A	2,836.30	13,093.28	6,325.00	6,768.28	12,650.00
501 EQUIPMENT	65,034.63	77,516.79	88,912.00	11,395.21-	177,825.00
DIVISION TOTAL	459,700.68	2,664,026.07	2,726,267.00	62,240.93-	5,452,542.00

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	TOTAL EXPENDITURES 12/01/90 - 12/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	117,016.54	764,210.99	781,844.00	17,633.01-	1,563,693.00
202 PERSONAL TRAVEL	2,691.30	13,235.90	27,800.00	14,564.10-	55,600.00
203 STATE VEHICLE OPERATION	1,293.60	4,743.64	5,652.00	908.36-	11,306.00
204 STATE VEHICLE DEPRECIATIO	1,245.00	7,470.00	8,600.00	1,130.00-	17,200.00
301 OFFICE SUPPLIES	1,430.35	24,967.69	41,250.00	16,282.31-	82,500.00
302 FACILITY MAINTENANCE SUPP	1,125.41	8,672.65	12,000.00	3,327.35-	24,000.00
303 EQUIPMENT MAINTENANCE SUP	712.13	5,316.57	6,000.00	683.43-	12,000.00
304 PROF. & SCIENTIFIC SUPPL	10,566.97	10,566.97	10,000.00	566.97	20,000.00
307 AG., CONSERVATION & HORT S	0.00	351.52	250.00	101.52	500.00
308 OTHER SUPPLIES	13,979.05	28,946.96	18,550.00	10,396.96	37,100.00
309 PRINTING & BINDING	55,186.44	236,784.82	198,975.00	37,809.82	397,950.00
312 UNIFORMS & RELATED ITEMS	0.00	29.76	125.00	95.24-	250.00
401 COMMUNICATIONS	1,774.09	6,550.32	6,000.00	550.32	12,000.00
402 RENTALS	13.00	1,032.34	425.00	607.34	850.00
403 UTILITIES	3,551.30	13,967.09	14,875.00	907.91-	29,750.00
405 PROF & SCIENTIFIC SERVICE	0.00	12,217.96	45,000.00	32,782.04-	90,000.00
406 OUTSIDE SERVICES	5,107.70	32,265.99	41,625.00	9,359.01-	83,250.00
408 ADVERTISING & PUBLICITY	0.00	2,197.90	6,250.00	4,052.10-	12,500.00
410 DATA PROCESSING	0.00	3,908.18	12,576.00	8,667.82-	25,152.00
414 REIMBURSEMENTS TO OTHER A	712.94	1,344.41	2,500.00	1,155.59-	5,000.00
501 EQUIPMENT	13,782.23	16,339.88	23,525.00	7,185.12-	47,050.00
DIVISION TOTAL	230,188.05	1,195,121.54	1,263,822.00	68,700.46-	2,527,651.00

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4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	309,661.05	2,779,909.61	2,745,642.00	34,267.61	5,491,289.00
202 PERSONAL TRAVEL	10,357.37	31,303.88	39,673.00	8,369.12-	79,347.00
203 STATE VEHICLE OPERATION	22,836.43	109,020.41	90,451.00	18,569.41	180,906.00
204 STATE VEHICLE DEPRECIATIO	18,390.00	109,795.00	143,683.00	33,888.00-	287,369.00
301 OFFICE SUPPLIES	656.62	15,777.94	22,786.00	7,008.06-	45,575.00
302 FACILITY MAINTENANCE SUPP	45,049.05	262,579.19	279,641.00	17,061.81-	559,282.00
303 EQUIPMENT MAINTENANCE SUP	25,822.46	166,573.49	145,050.00	21,523.49	290,100.00
307 AG., CONSERVATION & HORT S	892.04	8,944.05	9,750.00	805.95-	19,500.00
308 OTHER SUPPLIES	1,302.57	15,957.03	13,623.00	2,334.03	27,247.00
309 PRINTING & BINDING	183.05	1,604.55	51,169.00	49,564.45-	102,339.00
312 UNIFORMS & RELATED ITEMS	1,474.08	3,293.61	23,958.00	20,664.39-	47,916.00
401 COMMUNICATIONS	6,064.42	39,238.43	33,296.00	5,942.43	66,592.00
402 RENTALS	617.75	18,249.84	10,245.00	8,004.84	20,490.00
403 UTILITIES	25,334.44	182,477.84	172,225.00	10,252.84	344,451.00
405 PROF & SCIENTIFIC SERVICE	1,500.00	8,500.00	47,000.00	38,500.00-	94,000.00
406 OUTSIDE SERVICES	11,390.37	118,152.56	82,666.00	35,486.56	165,332.00
408 ADVERTISING & PUBLICITY	0.00	14.49	2,000.00	1,985.51-	4,000.00
410 DATA PROCESSING	0.00	887.23	4,000.00	3,112.77-	8,000.00
414 REIMBURSEMENTS TO OTHER A	997.64	3,676.39	2,750.00	926.39	5,500.00
501 EQUIPMENT	9,064.90	51,792.24	81,500.00	29,707.76-	163,000.00
602 OTHER EXPENSES & OBLIGATI	122.00	3,200.00	1,350.00	1,850.00	2,700.00
DIVISION TOTAL	491,716.24	3,930,947.78	4,002,458.00	71,510.22-	8,004,935.00

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5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	158,163.81	895,423.84	928,170.00	32,746.16-	1,856,348.00
202 PERSONAL TRAVEL	2,798.73	13,438.30	23,152.00	9,713.70-	46,305.00
203 STATE VEHICLE OPERATION	4,695.86	33,574.22	37,000.00	3,425.78-	74,000.00
204 STATE VEHICLE DEPRECIATIO	7,590.00	50,410.00	62,389.00	11,979.00-	124,781.00
301 OFFICE SUPPLIES	4,397.47	8,348.48	23,470.00	15,121.52-	46,940.00
302 FACILITY MAINTENANCE SUPP	5,408.73	14,866.79	16,210.00	1,343.21-	32,420.00
303 EQUIPMENT MAINTENANCE SUP	2,902.53	23,827.68	28,580.00	4,752.32-	57,160.00
307 AG., CONSERVATION & HORT S	4,412.78	52,165.27	41,334.00	10,831.27	82,668.00
308 OTHER SUPPLIES	13,651.08	15,119.17	5,450.00	9,669.17	10,900.00
309 PRINTING & BINDING	1,035.05	5,714.92	6,680.00	965.08-	13,360.00
312 UNIFORMS & RELATED ITEMS	65.66	458.72	3,200.00	2,741.28-	6,400.00
401 COMMUNICATIONS	1,874.42	12,280.35	12,930.00	649.65-	25,860.00
402 RENTALS	600.00	5,485.48	8,500.00	3,014.52-	17,000.00
403 UTILITIES	1,851.20	9,581.73	14,250.00	4,668.27-	28,500.00
406 OUTSIDE SERVICES	3,108.33	9,833.91	28,675.00	18,841.09-	57,350.00
408 ADVERTISING & PUBLICITY	22.05	183.91	300.00	116.09-	600.00
410 DATA PROCESSING	0.00	530.12	500.00	30.12	1,000.00
414 REIMBURSEMENTS TO OTHER A	71.26	71.26	0.00	71.26	0.00
501 EQUIPMENT	1,896.52	21,323.95	62,236.00	40,912.05-	124,473.00
701 LICENSES	0.00	50.00	10.00	40.00	20.00
801 STATE AID	0.00	29,806.91	47,000.00	17,193.09-	94,000.00
DIVISION TOTAL	214,545.48	1,202,495.01	1,350,036.00	147,540.99-	2,700,085.00

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6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	173,979.52	1,151,285.99	1,180,406.00	29,120.01-	2,360,825.00
202 PERSONAL TRAVEL	3,208.63	30,749.84	47,000.00	16,250.16-	94,000.00
203 STATE VEHICLE OPERATION	1,872.36	8,808.20	14,400.00	5,591.80-	28,800.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	14,070.00	13,651.00	419.00	27,302.00
301 OFFICE SUPPLIES	630.51	6,040.43	2,774.00	3,266.43	5,549.00
302 FACILITY MAINTENANCE SUPP	167.75	415.30	150.00	265.30	300.00
303 EQUIPMENT MAINTENANCE SUP	4,215.40	8,491.15	20,000.00	11,508.85-	40,000.00
304 PROF. & SCIENTIFIC SUPPL	4,003.56	4,003.56	23,000.00	18,996.44-	46,000.00
308 OTHER SUPPLIES	970.60	13,909.84	17,105.00	3,195.16-	34,210.00
309 PRINTING & BINDING	2,197.63	8,349.32	30,490.00	22,140.68-	60,982.00
401 COMMUNICATIONS	106.03	3,339.07	9,255.00	5,915.93-	18,510.00
402 RENTALS	350.00	1,225.00	1,200.00	25.00	2,400.00
403 UTILITIES	74.87	2,078.75	6,587.00	4,508.25-	13,175.00
405 PROF & SCIENTIFIC SERVICE	88,863.67	329,939.52	809,354.00	479,414.48-	1,618,708.00
406 OUTSIDE SERVICES	957.11	6,374.73	7,416.00	1,041.27-	14,834.00
410 DATA PROCESSING	0.00	3,659.73	5,450.00	1,790.27-	10,900.00
414 REIMBURSEMENTS TO OTHER A	1,281.60	1,421.60	3,557.00	2,135.40-	7,118.00
501 EQUIPMENT	1,213.97	19,851.73	21,665.00	1,813.27-	43,330.00
DIVISION TOTAL	286,538.21	1,614,013.76	2,213,460.00	599,446.24-	4,426,943.00

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7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	445,453.61	2,952,819.58	3,251,763.00	298,943.42-	6,503,541.00
202 PERSONAL TRAVEL	10,284.49	57,352.34	89,000.00	31,647.66-	178,000.00
203 STATE VEHICLE OPERATION	3,050.27	17,291.89	25,500.00	8,208.11-	51,000.00
204 STATE VEHICLE DEPRECIATIO	4,525.00	27,510.00	31,500.00	3,990.00-	63,000.00
301 OFFICE SUPPLIES	4,080.34	19,627.47	19,000.00	627.47	38,000.00
302 FACILITY MAINTENANCE SUPP	56.33	287.52	1,250.00	962.48-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	2,474.94	6,965.12	5,500.00	1,465.12	11,000.00
308 OTHER SUPPLIES	625.47	7,212.21	15,125.00	7,912.79-	30,250.00
309 PRINTING & BINDING	0.00	1,036.15	11,300.00	10,263.85-	22,600.00
312 UNIFORMS & RELATED ITEMS	93.55	721.82	1,000.00	278.18-	2,000.00
401 COMMUNICATIONS	3,067.30	15,023.70	18,825.00	3,801.30-	37,650.00
402 RENTALS	4,849.98	22,887.54	23,600.00	712.46-	47,200.00
403 UTILITIES	872.72	4,132.87	7,072.00	2,939.13-	14,145.00
405 PROF & SCIENTIFIC SERVICE	46,583.00	90,274.10	710,747.00	620,472.90-	1,421,496.00
406 OUTSIDE SERVICES	2,810.94	18,762.46	23,587.00	4,824.54-	47,175.00
408 ADVERTISING & PUBLICITY	359.33	1,150.85	2,200.00	1,049.15-	4,400.00
410 DATA PROCESSING	0.00	33,314.77	70,650.00	37,335.23-	141,300.00
414 REIMBURSEMENTS TO OTHER A	3,763.21	4,063.21	8,175.00	4,111.79-	16,350.00
501 EQUIPMENT	17,051.35	117,486.67	139,675.00	22,188.33-	279,350.00
DIVISION TOTAL	550,001.83	3,397,920.27	4,455,469.00	1,057,548.73-	8,910,957.00

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8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	796,807.30	5,366,413.63	5,461,465.00	95,051.37-	10,922,953.00
202 PERSONAL TRAVEL	19,730.68	129,539.67	181,312.00	51,772.33-	362,625.00
203 STATE VEHICLE OPERATION	39,349.66	210,018.81	254,311.00	44,292.19-	508,622.00
204 STATE VEHICLE DEPRECIATIO	56,080.00	327,535.00	316,775.00	10,760.00	633,550.00
301 OFFICE SUPPLIES	17,649.21	138,274.38	89,870.00	48,404.38	179,743.00
302 FACILITY MAINTENANCE SUPP	17,204.05	101,551.55	175,211.00	73,659.45-	350,423.00
303 EQUIPMENT MAINTENANCE SUP	20,969.00	187,642.77	189,039.00	1,396.23-	378,078.00
307 AG., CONSERVATION & HORT S	29,980.44	124,697.93	170,256.00	45,558.07-	340,512.00
308 OTHER SUPPLIES	3,247.46	55,311.13	52,993.00	2,318.13	105,988.00
309 PRINTING & BINDING	9,178.74	63,485.09	72,938.00	9,452.91-	145,876.00
312 UNIFORMS & RELATED ITEMS	2,799.53	14,433.49	54,900.00	40,466.51-	109,800.00
401 COMMUNICATIONS	14,238.07	74,824.51	81,719.00	6,894.49-	163,440.00
402 RENTALS	1,778.00	15,195.29	19,867.00	4,671.71-	39,735.00
403 UTILITIES	14,770.51	81,789.04	111,303.00	29,513.96-	222,606.00
405 PROF & SCIENTIFIC SERVICE	26,500.00	81,124.21	84,750.00	3,625.79-	169,500.00
406 OUTSIDE SERVICES	5,420.72	43,866.45	75,533.00	31,666.55-	151,066.00
408 ADVERTISING & PUBLICITY	463.56	667.13	9,175.00	8,507.87-	18,350.00
410 DATA PROCESSING	0.00	31,719.38	19,000.00	12,719.38	38,000.00
414 REIMBURSEMENTS TO OTHER A	12,806.30	33,398.04	45,225.00	11,826.96-	90,450.00
501 EQUIPMENT	4,922.03	83,447.60	134,870.00	51,422.40-	269,741.00
602 OTHER EXPENSES & OBLIGATI	0.00	1,000.00	300.00	700.00	600.00
701 LICENSES	0.00	25.00	85.00	60.00-	170.00
DIVISION TOTAL	1,093,895.26	7,165,960.10	7,600,897.00	434,936.90-	15,201,828.00

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	TOTAL EXPENDITURES 12/01/90 - 12/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	37,500.07	230,366.38	238,420.00	8,053.62-	476,841.00
202 PERSONAL TRAVEL	1,392.95	13,758.85	26,000.00	12,241.15-	52,000.00
301 OFFICE SUPPLIES	503.58	3,324.78	8,750.00	5,425.22-	17,500.00
308 OTHER SUPPLIES	52,055.83-	2,988.09	5,750.00	2,761.91-	11,500.00
309 PRINTING & BINDING	6,653.18	30,680.48	26,250.00	4,430.48	52,500.00
401 COMMUNICATIONS	2.68	30.03	0.00	30.03	0.00
405 PROF & SCIENTIFIC SERVICE	14,464.44	53,474.08	77,327.00	23,852.92-	154,655.00
406 OUTSIDE SERVICES	14.15	2,938.36	7,100.00	4,161.64-	14,200.00
410 DATA PROCESSING	0.00	875.66	2,200.00	1,324.34-	4,400.00
414 REIMBURSEMENTS TO OTHER A	855.12	5,952.57	6,225.00	272.43-	12,450.00
501 EQUIPMENT	0.00	15,379.71	6,500.00	8,879.71	13,000.00
DIVISION TOTAL	9,330.34	359,768.99	404,522.00	44,753.01-	809,046.00

Mr. Kuhn noted that this report does not reflect the reduction that will probably take place through the supplemental appropriation bill being introduced. He added that appropriate adjustments will be made to the budget.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 8, CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The EPC is requested to approve the attached Notice of Intended Action. 1990 legislation, H.F. 737, provides that the state must pay interest on funds retained from progress payments on public improvement contracts, and that administrative rules be adopted

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on this subject. The proposed rules are similar to rules currently being adopted by IDOT. The text of the rule, which appears at the bottom half of the attached, will be promulgated by the Director in DNR rule 561--8, and each Commission will be adopting this rule by cross-reference to that chapter. The time period for public comment is being extended to allow the Director and the Commissions to adopt the rule on or about the same time. No hearing is scheduled, but may be requested if there is enough public interest.

The amendment simply provides that the DNR will pay interest on funds retained from progress payments on public contracts. The interest rate is the rate established by the Treasurer's Office under section 453.6.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.6 and 455B.105, the Environmental Protection Commission of the Department of Natural Resources hereby gives notice of intended action to amend Chapter 8, "Contracts for Public Improvements and Professional Services," Iowa Administrative Code.

The proposed amendment was published in full under the Department of Natural Resources, as ARC on January 9, 1991. The commission intends to adopt by cross-reference 561--Chapter 8, Iowa Administrative Code, as amended, to appear as 567--Chapter 8.

Any interested person may make written suggestions or comments on these proposed rules prior to March 12, 1991. Written materials should be directed to Michael Heldenbrand, Finance Bureau, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Mr. Heldenbrand at 515/281-3345.

This amendment is intended to implement Iowa Code section 573.12.

ITEM 1. Amend rule 8.1(17A) as follows:

567--8.1(17A) Adoption by reference. The commission adopts by reference 561--Chapter 8, Iowa administrative Code, as amended through (date of amendment to be inserted).

561--8.7(573) Interest on retained funds..

8.7(1) Scope. This rule implements Iowa Code section 573.12 as amended by 1990 Iowa Acts, Chapter 1229 (House File 737), regarding payment to a contractor of interest earned on retained funds. This rule does not address payment of interest under Iowa Code section 573.14.

8.7(2) General requirements.

a. Interest shall be paid pursuant to Iowa Code section 573.12 only on state contracts awarded on or after (insert effective date of these rules).

b. Interest shall be paid on retained funds of a contract only if the accrued interest on those funds is at least \$25. This dollar threshold reflects the cost to the department of processing an interest payment on retained funds in contracts for the construction of public improvements.

c. Interest shall not be paid on retained funds of a contract declared in default.

8.7(3) Procedures.

a. Interest shall begin to accrue on retained funds on the date the first progress payment is issued. An interest rate shall be established on this date in accordance with Iowa Code section 453.6. This interest rate shall apply for the duration of the contract.

b. In general, interest shall continue to accrue on retained funds until the date final payment is approved by the chief engineer. Final payment is payment of retained funds less assessed liquidated damages, if applicable.

c. Notwithstanding paragraph "b", interest shall cease to accrue on retained funds:

(1) Upon the expiration of 60 days following field acceptance of a project if the contractor has failed to submit to the department the documentation necessary for final payment, as specified in the contract provision.

(2) Upon the court obtaining jurisdiction of the retained funds pursuant to Iowa Code section 573.16. Retained funds turned over to the court will include the interest accrued on those funds to the date the action was filed, if the interest has not been paid to the contractor.

This rule is intended to implement Iowa Code section 573.12 as amended by 1990 Iowa Acts, Chapter 1229.

Mr. Kuhn gave a brief explanation of the rule.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 8, Contracts. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

COMMISSIONER ABSENT

Commissioner Hartsuck temporarily left the meeting at 12:15 p.m.

MONTHLY REPORTS

Al Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULEMAKING STATUS REPORT
 January 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 8 - Contracts	1/22/91	*2/20/91	*3/ /91	-----	*4/15/91	*4/15/91	*5/15/91	*6/19/91
2. Ch. 23 - NSPS/NESHAPS	12/17/90	1/09/91	*2/ /91	*1/29/91 *1/30/91 *1/31/91	*3/18/91	*3/18/91	*4/17/91	*5/22/91
3. Ch. 61 - Phase III Stream Use Designations	1/22/91	*2/20/91	*3/ /91	*3/12/91 *3/13/91 *3/14/91 *3/15/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91
4. Ch. 63 - Effluent Monitoring Requirements	9/17/90	10/17/90	11/13/90	11/07/90 11/08/90 11/13/90 11/14/90	*2/18/91	*2/18/91	*3/20/91	*4/24/91
5. Ch. 66 - Aquatic Pesticide Rules	*2/18/91	*3/20/91	*4/ /91	*4/ /91	*5/ /91	*5/ /91	*6/ /91	*7/ /91
6. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	1/22/91	*2/20/91	*3/ /91	*3/12/91 *3/13/91 *3/14/91 *3/15/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91
7. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	E M E R G E N C Y A D O P T E D				1/22/91	1/22/91	*2/20/91	*3/01/91
8. Ch. 70-75 - Flood Plain Development Permits	10/15/90	11/14/90	12/12/90	12/06/90	1/22/91	1/22/91	*2/20/91	*3/27/91
9. Ch. 102 - Financial Assurance/Closure and Post-Closure	*2/18/91	*3/20/91	*4/ /91	*4/ /91	*5/ /91	*5/ /91	*6/ /91	*7/ /91
10. Ch. 109 - Landfill Alternative Grants	*2/18/91	*3/20/91	*4/ /91	*4/ /91	*5/ /91	*5/ /91	*6/ /91	*7/ /91
11. Ch. 117 - Waste Tire Storage and Processing Facilities	1/22/91	*2/20/91	*3/ /91	*3/12/91 *3/14/91 *3/19/91 *3/21/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91
12. Ch. 135 - UST Technical Standards	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	1/22/91	1/22/91	*2/20/91	*3/27/91
13. Ch. 135 - UST Technical Standards (New Subrule 135.7(10))(Insolvency)	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*2/18/91	*2/18/91	*3/20/91	*4/24/91
14. Ch. 136 - Financial Responsibility for Underground Storage Tanks	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*2/18/91	*2/18/91	*3/20/91	*4/24/91

*Projected

MONTHLY VARIANCE REPORT

Month: December, 1990

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of New Providence	Wastewater Construction	Schlotfeldt Engineering	Design Flow - Lagoons	Denied	12/11/90
2.	Cherokee Sanitary Landfill	Solid Waste	Kuehl & Payer, Ltd.	Cover	Approved	12/19/90
3.	Cherokee Sanitary Landfill	Solid Waste	Kuehl & Payer, Ltd.	Liner	Denied	12/19/90

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TOPIC: Report of Hazardous Conditions

During the period December 1, 1990 through December 31, 1990, reports of 85 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
12/03/90 Crawford	On 11/29/90, 800 gallons of Lasso leaked into a containment area as a result of a faulty valve. All material was retained within the diked area.	Charter Oak Ag Supply 465 RR Street Charter Oak, Iowa	No response was required except to pump material into another holding tank. The responsible party was reminded of the 6 hour reporting requirement.
12/11/90 Polk	On 12-11-90, ink (65% toluene) was being transferred to a storage tank and an overfill occurred. 750 gallons soaked into the soil. An underground tile line is located adjacent to this site. There is a potential for groundwater and surface water contamination.	R.R. Donnelley 5701 SW Park Ave. Des Moines, Iowa	Excavate contaminated soil and monitor tile manhole for organic chemicals. Perform an assessment of the area to determine the extent of contamination.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(39)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
20	13	6	10	16	20

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of December 1, 1990 through December 31, 1990, the following number of releases from underground storage tanks were identified.

95 (58)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1989.

E91Jan-19

January 1991

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Lehigh, City of (2)	Drinking Water	Construction Without Permit	Order	12/05/90
Howard Residential Care Facility, Cresco (1)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty Rescinded	12/05/90 12/28/90
John Dennis and Kirk Knox, Audubon County (4)	Solid Waste	Illegal Disposal	Order/Penalty	12/05/90
Landfill of Des Moines, Inc., Des Moines (5)	Solid Waste	Other-Permit Renewal	Order	12/05/90
Packaging Corporation of America, Tama (5)	Wastewater	Discharge Limits	Order/Penalty	12/07/90
Mid County Water, Inc./Crestwood Acres, Toddville (1)	Drinking Water	MCL - Bacteria	Order Amended Order	12/07/90 12/28/90
Gerald Reimer, Clayton County (1)	Solid Waste	Illegal Disposal	Amended Order	12/07/90
Iowa Southern Utilities, Burlington (6)	Hazardous Condition	Remedial Action	Order	12/07/90
Trash Reduction Systems, Inc., Polk County (5)	Solid Waste	Other - Litter	Amended Order	12/07/90
Brunsville Municipal Water Supply (3)	Drinking Water	MCL - Bacteria, Public Notice	Order	12/07/90
Valley View Estates #1, Muscatine (6)	Drinking Water	MCL - Bacteria Public Notice	Order	12/07/90
Maysville, City of (6)	Drinking Water	Public Notice	Amended Order	12/13/90
Dale's Texaco, Emerson (4)	Underground Tank	Closure Investigation	Order	12/17/90
Edward Bodensteiner, Des Moines (5)	Underground Tank	Closure Investigation	Order	12/17/90
Castalia Oil Co., Castalia (1)	Underground	Closure Investigation	Order	12/17/90
Pony Creek Homeowners Assoc. #1, Pacific Junction (4)	Drinking Water	Monitoring/Reporting-Bacteria, Public Notice	Order/Penalty	12/17/90
Robert and Sally Shelley, Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	12/17/90
Larchwood Water Supply (3)	Drinking Water	Monitoring/Reporting-Nitrate, Public Notice	Order/Penalty	12/28/90
McDowell Dam #1, Lee County (6)	Flood Plain	Construction Contrary to Approved Plans	Order/Penalty	12/28/90
McDowell Dam #2, Lee County (6)	Flood Plain	Construction Contrary to Approved Plans	Order/Penalty	12/28/90
Sylvan Acres, Janesville (1)	Drinking Water	Monitoring/Reporting-Nitrate, Public Notice	Order/Penalty	12/28/90
Stuckey's #287-Pecan Shop, Little Sioux (4)	Drinking Water	Monitoring/Reporting-Bacteria, Public Notice	Order/Penalty	12/28/90
M & D's Chalet, Elgin (1)	Drinking Water	Monitoring/Reporting-Bacteria & Nitrate	Order/Penalty	12/28/90
Sac County Country Club, Wall Lake (3)	Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	12/28/90
Pacific Junction Water Supply (4)	Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	12/28/90

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Fontana Park - Picnic Area, Buchanan County (6)	Drinking Water	Monitoring/Reporting- Nitrate, Public Notice	Order/Penalty	12/28/90
Louisa Courts, Muscatine (6)	Drinking Water	MCL - Nitrate, Public Notice	Order	12/28/90
Joe Eggers, Jr. and Joseph O. and Mary S. Eggers, Mitchell County (2)	Solid Waste	Illegal Disposal	Order/Penalty	12/28/90
Stratford, City of (2)	Wastewater	MIP	Amended Order	12/28/90
James Noeller, Cloyce Hutton, and Anthony G. and Hope Rogers, Vinton (1)	Underground Tank	Closure Investigation	Amended Order	12/28/90
Granville, City of (3)	Wastewater	MIP	Amended Order	12/28/90
Chicago and North Western Transportation Co.; Steve L. Carroll; Susan E. Carroll; Tracy Carroll Richardson; Ronald A. Carroll and Christina Bates, Jefferson Co. (6)	Solid Waste	Illegal Disposal	Order	12/28/90
P & B Rental Corp., Rockford (2)	Underground Tank	Closure Investigation	Order	12/28/90
Rasch Construction, Inc., Webster County (2)	Air Quality	Open Burning	Amended Order	12/31/90

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
*Gilbert John Fjone (Swaledale)	SW	100	11-22-90
Cedar Hills Apartments (Dubuque)	WS	300	11-27-90
Roy Long (Knoxville)	SW	1,000	12-17-90
Don and Gertrude Carney (Ft. Dodge)	SW	600	1-13-91
Richard Duncan (Louisa County)	SW/AQ	500	2-05-91
Packaging Corp. of America (Tama)	WW	1,000	2-17-91
John Dennis and Kirk Knox (Audubon County)	SW	300	2-18-91
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	-----
Fontana Park-Picnic Area (Buchanan County)	WS	200	-----
Pacific Junction Water Supply	WS	230	-----
Sac County Country Club (Wall Lake)	WS	215	-----
M & D's Chalet (Elgin)	WS	490	3-02-91
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000	-----
Larchwood Water Supply	WS	200	-----
Sylvan Acres (Janesville)	WS	245	-----
Stuckey's #287-Pecan Shop (Little Sioux)	WS	1,000	-----
McDowell Dam #1 (Lee County)	FP	500	-----
McDowell Dam #2 (Lee County)	FP	500	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
**Handi-Klas, Inc. (Webster City)	WW/HC	1,000	8-02-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Richard Kleindolph (Muscatine)	SW	200	8-17-89

*On Payment Schedule

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Robert Fisch (Manchester)	AQ	600	9-01-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90

** Independent Attorney General Action

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland (Decatur)	FP	800
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Circle Hill Farms, Ltd. (Ellsworth)	SW	600
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Rasch Construction, Inc. (Ft. Dodge)	AQ	1,000
Orchard, City of	WW	1,000
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Troy Mills Dam Assn. (Troy Mills)	FP	300
Maple Crest Motel and MHP (Mason City)	WS	350
Geneva Grain & Lumber, Inc. (Franklin Co.)	WW/SW	1,000
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000

*On Payment Schedule

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Ruth Ann Coe (Mason City)	AQ/SW	250
E-Z Strip Corporation (Muscatine)	AQ	1,000
Donald P. Ervin (Ft. Dodge) Partial Payment	SW	331
Mt. Joy Mobile Home Park (Davenport)	WS	100
Taylor Oil Co., Inc. (Missouri Valley)	WS	215
City of Marcus	WS	300
Hwy. #3 Mobile Home Park (Waverly)	WS	250
Ralston Purina Company (Davenport)	AQ	1,000
Woolstock, City of	WW	500
Grinnell General Hospital (Grinnell)	AQ	1,000
Onslow Water Supply	WS	150
Odebolt, City of	WS	400

TOTAL \$5,496

~~The \$100 penalty assessed to Howard Residential Care Facility (Cresco) has been rescinded.~~

E91Jan-22

The \$1,00 penalty assessed to Universal-Rundle Corp. (Ottumwa) has been rescinded.

The \$400 penalty assessed to Louisa Courts (Muscatine) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Brockhouse, Dwight Muscatine (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	9/18/90 11/30/90
Carnicle, Roger d/b/a The New New Shack Tavern Cedar Rapids (1)	Updated	Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed	9/18/90 12/31/90
Clear Lake Sanitary District (2)		Wastewater	Compliance Schedule	Referred to Attorney General	Referred Petition Filed	4/16/90 7/30/90
Cerro Gordo County Area Landfill Agency (2)		Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed	4/16/90 6/25/90 8/13/90
Chaifant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ / 90
Coe, Ruth Ann Mason City (2)	Updated	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Settled/Penalty Paid	10/15/90 12/05/90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Country Lane Foods, Division of Yoder, Inc., Kalona (6)				Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred	4/16/90
Denham, Larry Ottumwa (6)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 11/30/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred	6/19/90
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fisch, Robert Manchester (1)		Air Quality	Open Burning	Order/Penalty	Referred Motion for Summary Judgment Judgment for \$600	10/24/89 12/05/89 2/27/90
Fjone, Gilbert Swaledale (2)		Solid Waste	Open Dumping	Order/Penalty	Referred Payment Schedule	10/24/89 6/ /90
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Ferlizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Holnam Northwestern Cement Mason City (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	8/21/90
Humboldt Co. Landfill Commission (2)	Updated	Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding	11/20/89 8/30/90 11/15/90
IBP, inc. Columbus Junction (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Motion for Stay Resistance of Motion for Stay Hearing on Motion for Stay Ruling on Motion for Stay Motion-More Specific Statement	10/16/90 10/16/90 10/26/90 10/26/90 10/26/90 10/26/90
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Merville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Referred	11/13/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Mercy Hospital Medical Center Des Moines (5)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Consent Decree	4/16/90 12/10/90
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed	4/16/90 11/29/90
MoCo Pork and Deer Run Farm, Inc., Monroe Co. (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Consent Decree	11/20/90 12/21/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/11/89
Moser, Stan	Updated	Solid Waste	Illegal Dumping	Order/Penalty Referred to Attorney General	Judicial Review Order Affirmed Contempt Citation Modified (\$500) Contempt Citation Referred Petition Filed Trial Decision (\$1,800)	9/26/88 5/25/89 1/24/90 5/21/90 11/14/90 7/19/89 9/12/89 3/15/90 12/11/90
Natvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed	8/21/90 11/29/90
Null, Donald Clinton County (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/15/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	4/16/90 11/30/90
Pete's Sunoco/ Popejoy Septic West Des Moines		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	10/15/90
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/23/89
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set Trial Continued	9/20/89 10/17/89 10/16/90
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90

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Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
United Technologies Automotive Iowa City (6)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred	10/15/90
Wayne, Ringgold and Decatur Co. SW Management Commission (5)		Solid Waste	Monitoring/Reporting	Referred to Attorney General	Referred	9/18/90
Witt, John J. Long Grove (6)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$6,000)	8/21/90 10/16/90 12/11/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JANUARY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Proposed decision rendered 1/2/91.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Report reviewed. Additional work requested.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Court of Appeals decision 10/23/90.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Settled.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued/settlement discussions.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JANUARY 1, 1991

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Appealed to District Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Settled.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Settled.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Final decision 12/17/90.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Amended proposed decision 11/14/90; appealed.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Order to be amended.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Proposed decision 12/13/90.
7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Settled.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	EPD to send follow-up letter.
7-26-89	Midland Brick	Administrative Order	AQ	Landa	Settled.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JANUARY 1, 1991

January

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Temporary permit issued 5/31/90.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance initiated.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
12-21-89	Robert Coppinger and Velma Nehman	Flood Plain Permit Denial	FP	Clark	Proposed decision 5/17/90. Appealed.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
2-07-90	Jerry Jones	401 Denial	WW	Murphy	Proposed decision 11/02/90; affirmed 12/17/90.
2-13-90	Kenneth M. Rasch d/b/a Rasch Construction, Inc.	Administrative Order	AQ	Kennedy	Settled.
3-20-90	Kanab Pipeline Co.	Administrative Order	HC	Landa	Hearing set for 2/13/91.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Hearing held 10/16/90.
3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Negotiating before filing.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Negotiating.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Negotiating.
5-11-90	Carl A. Burkhart	Administrative Order	AQ/SW	Kennedy	Briefs due.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JANUARY 1, 1991

Environment

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-23-90	Solvay Animal Health, Inc.	NPDES Permit Cond.	WW	Hansen	Appeal dismissed by ALJ. Settled.
6-06-90	Geneva Grain & Lumber, Inc.	Administrative Order	WW/SW	Kennedy	Negotiating before filing.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Negotiating before filing.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Cond.	WW	Hansen	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Hearing held 11/28/90. Briefs due 2/1/91.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting to be scheduled.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing set for 1/24/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	
7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Informal meetings 1/8/91.
7-25-90	Thomas and Arlene Griffin	Water Use Permit	WR	Clark	Hearing held 11/28/90.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing set for 1/11/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing set for 2/05/91.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Hearing set for 2/05/91.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Informal meeting 1/8/91. Hearing set for 3/14/91.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations to be prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.

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Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 JANUARY 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-04-90	Iowa Army Ammunition Plant	Open Burning Variance	AQ	Landa	Hearing set for 2/08/91.
10-11-90	Commercial Equipment Co., Inc.	NPDES Permit Denial	WW	Landa	Hearing set for 1/14/91.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-17-90	Chicago & Northwestern Transportation Co.	NPDES Permit Conditions	WW	Landa	Hearing set for 1/28/91.
10-18-90	Harlan Pruess	Claim	HC	Landa	Negotiating before filing.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Hearing continued.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Informal meeting 1/23/91.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Negotiating before filing.
11-13-90	Hwy. #3 Mobile Home Park	Administrative Orders	WS	Kennedy	Settled.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Negotiating before filing.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Negotiating before filing.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 2/15/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-07-90	Granville, City of	Administrative Order	WW	Murphy	Amended order issued 12/28/90.
12-10-90	ISU - Ames Laboratory Chemical Disposal Site	Site Registry	HC	Landa	Sent to DIA.
12-17-90	Crestwood Acres	Administrative Order	WS	Murphy	Amended order issued 12/28/90.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Sent to DIA.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Sent to DIA.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Appealed with application for stay.

Mr. Stokes noted that a member of the Legislative Rules Review Committee, Representative David Schrader, contacted the department with concerns that the Landfill Operator Certification rules do not provide a grace period to get a newly hired operator certified. He related that a Notice of Intended Action will be brought before the Commission next month to include a grace period in those rules.

Mr. Stokes reported that recent federal rule changes adopted on USTs included a requirement that certain tanks have leak detection equipment installed by December 1990. Once installed, the manufacturer has to certify that the leak detection system falls within a probability scale established by the federal government and the deadline for demonstrating that compliance was extended to September 1991. The department will need to make corresponding rule changes and staff will ask Emergency Adoption of same next month.

Discussion took place regarding various cases on the A.G. Referrals report.

DON ERVIN STATUS REPORT

Mr. Stokes reported that staff conducted an investigation of Don Ervin's facility last week and the results were as follows: 1) the fence is only partially constructed; 2) there appear to be many more tires on hand than at any time in the past; 3) some of the fire lanes that had been started are now blocked; and 4) the tire shredder, which is not the one Mr. Ervin was permitted to have, is not operational. Mr. Stokes stated that documentation will be brought before the Commission next month showing that Mr. Ervin is not in compliance with his permit and the Administrative Order. The Commission can then decide appropriate action to be taken. Mr. Stokes noted that Mr. Ervin indicated to staff, upon inspection, that he has a buyer for his operation and he will be selling it within two weeks.

Chairperson Mohr circulated a written report sent in by Mr. Ervin showing the number of tires shredded, shipped and currently on hand.

This was an informational item; no action was required.

PROPOSED RULE--CHAPTER 66, AQUATIC PESTICIDE PROHIBITED DISCHARGES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with the Proposed Rule for Chapter 66. The proposed rule, which adds a new section to the previously unused Chapter 66, prohibits the application of an aquatic pesticides into certain designated Iowa waters except by certified applicators receiving a permit from the department. This proposed rule is to implement 455B.186, recently modified by House File 2170. The rule presents the information needed to be submitted to the department to receive a permit, and considerations to be addressed prior to issuing a permit.

Public hearings are proposed for Spirit Lake, Clear Lake, Iowa City, and Des Moines.

1/18/91

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173 and the 1990 Iowa Acts, Chapter 1167, the Environmental Protection Commission for the Department of Natural Resources gives Notice of Intended Action to amend Chapter 60, "Scope of Title-Definitions-Forms-Rules of Practice", and create a new Chapter 66, "Pesticide Application to Waters", Iowa Administrative Code.

The passage of House File 2170, 1990 Iowa Acts, Chapter 1167, section 1, subsection 2, amended the Iowa Code section 455B.186 Prohibited Actions, by adding paragraph 2. This amendment reads: "A pesticide shall not be applied to any water of this state which has been classified by the department as a class 'A' or class 'C', high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic application and who has received a permit from the department".

These proposed rules are intended to implement House File 2170. Prior to any individual applying a pesticide to certain designated surface waters, they must receive a permit from the Department of Natural Resources and have an aquatic pesticide applicator's certification from the Department of Agriculture and Land Stewardship. The required information to receive a permit from the department is specified in the proposed rules along with criteria to be considered in issuing the permit.

Any interested person may submit written suggestions or comments on the proposed rule changes through April __, 1991. Such written materials should be directed to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, or FAX # (515)281-8895. Persons who have questions may contact Ralph Turkle at (515)281-7025. Persons are also invited to present oral or written comments at public hearings which will be held at 1:00 pm on April __, 1991 in the __, Spirit Lake, Iowa, at 7:00 pm on April __, 1990 in the __, Clear Lake, Iowa, at 1:00 pm on April __, 1990 in the __, Iowa City, Iowa, and on 1:00 pm on April __, 1990 in the Wallace State Office Building auditorium, 900 East Grand, Des Moines, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code chapter 455B.186, division III, part I.

ITEM 1. Insert the following into rule 60.2, Definitions, in alphabetical order:

"Aquatic Pesticide" means any pesticide, as defined in Iowa Code 206.2, that is labelled for application to surface water.

ITEM 2. Insert the following as a new Chapter 66:

567-66.1(445B) Aquatic Pesticide.

66.1(1) Prohibited Discharges. Aquatic pesticides shall not be applied to any water of the State designated in subrule (567) 61.3(5) as Class A, Class C, high quality, or high quality resource except as provided in 66.1(2).

66.1(2) Allowable Applications. Aquatic pesticides can be applied to any water of the State designated in subrule (567) 61.3(5) as Class A, Class C, high quality, or high quality resource provided the the applicator has a valid category 5 - aquatic pest control certification from the Department of Agriculture and Land Stewardship pursuant to 21 IAC 45.22"c", and has received a permit from the department in accordance with these rules.

66.1(3) Requirements to Obtain a Permit to Apply an Aquatic Pesticide. The following information shall be submitted to the department to obtain the necessary permit for application of an aquatic pesticide. The information must be submitted on department form number ____ entitled 'Aquatic Pesticide Application to Prohibited Waters - Permit Application Form'. The form is available from the department. The completed application form shall be filed with the department at least ninety (90) days prior to the anticipated period of aquatic pesticide application. The permit will be issued for the period of time requested in the application, but not to exceed one year.

a. The applicator's name, address, phone number, and the Department of Agriculture and Land Stewardship (DALS) certification number or a copy of the certificate; and

b. The purpose or objective of applying the aquatic pesticide; and

c. The name, exact location, and extent of the body of water where the pesticide or pesticides will be applied, the beginning period and frequency of application, and the rate of pesticide application; and

d. The brand name of the pesticide, the pesticide manufacturer, the Environmental Protection Agency registration number, and a listing and percentage by weight of the active ingredient to be applied; and

e. The name and location of known public and private water supplies within 2000 feet, and public and private wells within 50 feet of the application area; and

f. A sketch of the application area and important physical features within 2000 feet of the application area; and

g. The applicant's signature and date of filing the application form.

66.1(4) Basis for Permit Denial. A permit will be denied if any of the following conditions are found to be applicable.

a. Water quality data show a water quality standards violation for the aquatic pesticide, or its ingredients, within the same lake, wetland or reservoir as the requested area for pesticide application, or downstream of the requested area for pesticide application; or

b. Water quality testing by a public or private water supply or by the department has found quantifiable levels of the aquatic pesticide in its raw or finished water within the last four years. The testing would be applicable if conducted within the same lake, wetland or reservoir as the requested area for pesticide application or if conducted downstream of the requested area for pesticide application; or

c. The applicator does not possess a current Category - 5 aquatic pest control certificate from DALs; or

d. The requested application of aquatic pesticide is not following label instructions for use of the pesticide; or

e. The active or inactive ingredients in the aquatic pesticide are regulated under the Safe Drinking Water Act (SDWA); or

f. A public or private water supply intake is within 2000 feet of the requested area of the aquatic pesticide application in a lake, reservoir, or wetland, or the public or private water supply intake is within 50 feet upstream or 2000 feet downstream of the requested area of the aquatic pesticide application in a river or stream; or

g. A shallow well, as defined in subrule 40.2, is located within fifty (50) feet of the aquatic pesticide application area.

66.1(5) Special Considerations. The conditions for a permit denial, 66.1(4) "e", "f", and "g", may be waived and a permit issued when the permit is being requested by the impacted water purveyor to correct or control water quality problems within the water supply or system.

Mr. Stokes distributed copies of the proposed rule and explained same.

This was an informational item; no action was required.

CONTESTED CASE APPEAL--ROBERT COPPINGER AND VELMA NEHMAN

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On August 16, 1989, the department denied the application for 401 certification filed by Robert Coppinger and Velma Nehman, in relation to a proposed channel change. On December 4, 1989, the department denied their application for a flood plain permit for the proposed project. Those denials were appealed and the matter proceeded to administrative hearing on May 2 and 3, 1990. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on May 17, 1990. The decision affirms the department's denials.

Mr. Coppinger and Ms. Nehman have appealed this order to the Commission. The appeal was considered by the Commission at its September, 1990, meeting and a motion to affirm the decision failed on a 4 to 3 vote, 5 being needed. The Commission deferred further action on the appeal pending review by a subcommittee of the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy reviewed the history of this case. He noted that at the September meeting the Commission was unable to reach a final decision and formed a subcommittee (Mohr, Yeager and Priebe) to review the record. Mr. Murphy stated that counsel for the appellants is present and will address the Commission.

APPOINTMENT - WILLIAM KURTH

William Kurth, Attorney, addressed the Commission stating that the Commission is the final arbiter. He related that the Commission can find for the appellants in two different ways: 1) the Commission is not bound to follow the mandates of the Fish and Wildlife Division but can make their own decision and decide that this is not the type of change that will make a significant

impact upon the wildlife; or 2) the Commission can find that it is a Category 3 which will allow out-of-kind mitigation. Mr. Kurth asked the Commission to seriously consider these options.

Randall Clark, Legal Services Bureau, stated that while staff does not disagree that the Commission has the final decision in this case, staff would urge the Commission to support the opinions of professional fish and wildlife biologists. He added that he would urge the Commission to accept the biologists opinion as opposed to the opinion of an engineer who is not trained in that field.

Chairperson Mohr stated that she has a real concern that the department has not followed through to make sure that Mr. Lennon lower his dike as requested by the department.

Mr. Clark stated that Mr. Lennon has recently degraded the levee to the department's specifications.

Discussion followed regarding public interest versus private rights.

Motion was made by Margaret Prah1 to uphold the decision of the Administrative Law Judge. Motion failed for lack of a second.

Motion was made by Gary Priebe to overrule the decision of the Administrative Law Judge and to allow the channel change. Seconded by Clark Yeager.

NancyLee Siebenmann asked if there is a recommendation from the subcommittee.

Chairperson Mohr remarked that the committee recommendation was just heard in Commissioner Priebe's motion.

Gary Priebe asked if there is some way to put in and maintain riffles for the fish.

Director Wilson commented that he understands the motion is to allow the channel change to occur and doesn't believe there are any conditions to that change. The motion would allow the channel change without mitigation.

Gary Priebe moved to amend his motion to direct Robert Coppinger and Velma Nehman to put in five rock riffles and a five-foot grass buffer strip, and afterwards maintenance be done by the appropriate state department. Clark Yeager seconded the motion.

Chairperson Mohr requested a roll call vote on the amendment. "Aye" vote was cast by Commissioners King, Priebe, Siebenmann, Yeager and Mohr. "Nay" vote was cast by Commissioner Prah1. Motion carried on a vote of 5-Aye to 1-Nay.

Discussion followed regarding mitigation.

Director Wilson stated that it looks like five bends will be taken out of the stream by straightening, which will basically remove the habitat for fisheries. He related that creating riffles is better than a straight shot through, and on a scale of 1 - 10 the stream is probably going from an 8 to a 3.

Margaret Prah1 stated that she will vote against the motion because testimony was undisputed that the channel change would cause deterioration in fish and wildlife habitat; and she cannot go along with the theory that because someone made a mistake years ago and the department did not enforce one thing, that another mistake should be made now.

Gary Priebe contended that there was a mistake made downstream that he does not believe was irreparable, and if the department wants to go back and make Mr. Lennon put everything back exactly as it was beforehand, then it would be different.

Chairperson Mohr requested a roll call vote on Commissioner Priebe's original motion. "Aye" vote was cast Commissioners King, Priebe, Siebanmann, Yeager, and Mohr. "Nay" vote was cast by Commissioner Prah1. Motion carried on a vote of 5-Aye to 1-Nay.

STATE REVOLVING FUND INTENDED USE PLAN - FY 91

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department recommends Commission approval of a final State Revolving Fund Intended Use Plan for the State of Iowa, Fiscal Year 1991. A proposed Intended Use Plan was presented to the Commission in November and a notice of a public hearing was published on November 26, 1990. The attached Intended Use Plan is presented for approval following subsequent modifications to the proposed plan. The Intended Use Plan was developed according to DNR rule 567--92. The results of the public participation are addressed in Section IX of the final plan. The public hearing was scheduled for December 21, 1990. No one attended the hearing. A comment letter was received from EPA Region VII. No other written comments were received other than additional applications requested to be included in the plan. Changes from the proposed plan are summarized as follows:

Minor wording changes and project schedule updates were made to address EPA comments. These did not affect project selection.

Actual EPA grant allotment figures became available and were included in the final plan. The maximum capitalization grant and required state match is slightly higher than in the proposed plan.

Ten additional applications were added to those on the list in the proposed plan as funds will be available in the program. One applicant withdrew its application. All applications received are proposed for loan funding.

Upon Commission approval, an application for the capitalization grant will be prepared for submittal to EPA. Following the grant award, the state bond sale will be finalized and then loan agreements can be signed with projects which have fulfilled all requirements.

STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1991

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1991. This plan is based on receiving a capitalization grant from the FY 1991 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1990 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989 and 1990.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds expected to be available for FY 1991 by Congressional appropriation. The Clean Water Act authorized program funding at \$1.2 billion nationally for each of 1989 and 1990. The FY 1991 authorization was \$2.4 billion. The appropriation for FY 1991 and the allotment designated for Iowa, will allow a maximum capitalization grant of \$27,775,300 available to Iowa in FY 1991. The 20% state match of \$5,555,060 could provide an addition of \$33,330,360 to the SRF for FY 1991.

Whether the state requests the full capitalization grant and provides the relative state matching funds may depend on the demand and number of loan applications.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1991 funds along with the \$15.85 million FY 1990 funds, it is Iowa's intention to assist twenty-eight new projects in addition to the fifteen remaining projects identified on the FY 1990 IUP as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1991 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance in the FY 1990 IUP are shown in Chart 1 Part 1.

The total loan needs of all applications submitted by the July 1, 1990 deadline in DNR rules did not exceed the revolving fund that could be provided by the actual FY 1991 allotment of federal funds. Therefore, eleven applications submitted by July 1, 1990 were listed as proposed loan recipients on Chart 1 Part 2. Seventeen applications received after July 1, 1990, through the date of the public hearing and comment period on this Intended Use Plan were also considered for inclusion on the list of recipients for FY 1991 loan assistance. These applicants are listed on Chart 1 Part 2 in priority order following those applications received by July 1, 1990. All applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant for the entire allotment. Initially, EPA would provide a letter of credit for the identified needs shown in Chart 1. Should the capitalization grant allow for additional projects to be identified and funded in the future, the state will consider providing the necessary matching funds to allow such assistance. EPA would then increase the letter of credit as necessary.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1991 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1991 were identified (see Chart 1, Parts 1 and 2). There are twenty-eight projects identified for loan assistance for FY 1991, in addition to fifteen identified for FY 1990 that did not actually receive loan agreements prior to the start of FY 1991. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1991, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1991 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what may be available for Iowa's SRF, the state may consider adding projects to the

FY 1991 list (Chart 1 Part 2), should applications be received. Should insufficient funds be available in the SRF to fund all projects listed in Chart 1, projects will be removed from the bottom of the list as necessary and placed on the Contingency List.

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 3. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1991 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.
3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1991)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.
2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.

3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1991.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1991 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1991 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the estimated FY 1991 Title VI appropriation, the State could have \$1,111,012 available from the FY 1991 revolving fund for administrative support in managing and operating the SRF program. However, the \$1,048,000 shown on Chart 1, Part 3 and Chart 3 is based on the portion of the available capitalization grant needed for loan applications received to date. A commitment of \$510,626 from FY 1989 funds and \$528,177 from FY 1990 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments will be reserved for use in later years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- ° 602(a) - Environmental Reviews
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- ° 602(b)(3) - Binding Commitments
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- ° 602(b)(4) - Expeditious and Timely Expenditures
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- ° 602(b)(5) - First Use for Enforceable Requirements
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- ° 602(b)(6) - Compliance with Title II Requirements
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority communities and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1991.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1991. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT

A public meeting was held to allow input into Iowa's proposed FY 1991 Intended Use Plan. The announcement appeared in the Des Moines Register, a newspaper of state-wide circulation, on November 26, 1990. The notice was also mailed directly to approximately 1,600 addresses including all cities, counties, sanitary districts, consulting engineers, city engineers, councils of governments area planning

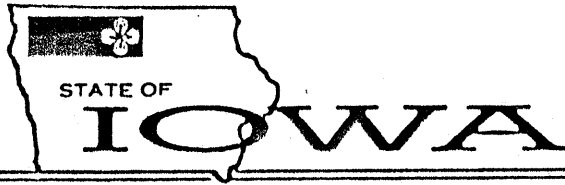
agencies, and groups which might have an interest. A copy of the notice is attached (Appendix A). The public hearing was held on December 21, 1990. The comment period was open until December 28, 1990.

No persons attended the hearing. The only written comments received were additional loan applications. Ten applications for FY 1991 assistance, in addition to those on the proposed list, were received during the notice period. The department has recommended these applicants be added to the list in Chart 1 Part 2 in their relative priority order among applications received after July 1, 1990. The department after evaluating the status of the SRF program, available funds and all applications received, has recommended that all applications for projects considered capable of meeting program requirements be included on this list for loan assistance. This recommendation maximizes uses of the SRF according to the goal statement in Section III B.2 of the Intended Use Plan. The plan should also state that additional projects can be added in the future if funds are available in the SRF.

Written comments on the Proposed Intended Use Plan were received from the Environmental Protection Agency Region VII. EPA reminded the state that all SRF projects must appear on the state's official Project Priority List. This list does not appear in this plan but has been updated and will be provided to EPA. EPA also requested clarification regarding type of financing and project eligibility as well as project schedule updates. The plan was revised to address this comment. A program administration cost correction was also made. Additional financial information not directly affecting project selections was requested and will be provided in additional charts. EPA also suggested the goals in the proposed plan be reviewed. After reviewing the proposed goals, no substantial changes are recommended.

Since the drafting of the proposed Intended Use Plan, EPA has advised the state of the actual allotment for Iowa for FY 1991. Thus, references to a final maximum grant are now included.

(WWPI266P06.01 -.09/bkp)



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

NOTICE TO IOWA MUNICIPALITIES
INTERESTED IN LOW INTEREST LOANS
FOR WASTEWATER IMPROVEMENTS

NOTICE OF PUBLIC HEARING - Proposed Intended Use Plan for the administration of a Revolving Loan Fund for wastewater treatment facilities.

The Iowa Department of Natural Resources (DNR) will hold a public hearing on December 21, 1990, beginning at 1:00 p.m. in the 5th floor conference room of the Henry A. Wallace State Office Building, 900 East Grand, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1991.

Written comments will be accepted through December 28, 1990. Oral comments may be presented at the hearing. Requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Permits Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877).

The Intended Use Plan presents the State's administration of a revolving fund for loans to municipalities for wastewater treatment work construction. It includes a list of eligible applicants to date for fiscal year 1991 assistance. The plan was developed pursuant to state rules adopted for this purpose (IAC 567--92(455B)). The final Intended Use Plan will be a part of the State's application for the federal contribution to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its January, 1991, meeting.

STATE REVOLVING FUND INFORMATION

WHAT IS THE STATE REVOLVING FUND (SRF)?

The SRF is a revolving fund administered by the DNR and the Iowa Finance Authority which is available to cities for low interest loans for wastewater treatment construction or improvements.

HOW OLD IS THE PROGRAM?

The program is fairly new. Rules and procedures are in place. 1989 provided the first loans to Iowa cities. Loans have already assisted in wastewater construction.

HOW MANY LOANS HAVE BEEN MADE?

Five loan agreements were signed in 1989 totaling over 14 million dollars. The cities include Des Moines, Oskaloosa, Albia, Edgewood, and Ft. Dodge. Fifteen cities are on the approved list to receive loans in 1990, and nineteen are currently proposed for 1991. Loan funds for the first three years of the program could total over 60 million dollars.

WHERE DO THE FUNDS COME FROM?

Federal money is granted to the DNR. The State matches this with 20%. Low interest rates are the result of the federal grants.

ARE THESE LOANS COMPETITIVE?

The low interest and 20 year maximum repayment terms make these loans competitive with other available financing. The loan interest rates to date have been 5.02% in 1989 and 4.86% in 1990. Similar rates are expected in 1991.

WHAT KIND OF PROJECTS QUALIFY?

Municipal wastewater improvements can receive loans. There are some planning and design requirements which must be met to qualify. Cities with wastewater needs are encouraged to contact the DNR.

HOW DO CITIES APPLY?

They should contact the DNR, Wastewater Permits Section. A facility plan must be completed in order to apply. Application forms are available and should be submitted as soon as possible for the next available funds.

Chart 1: FY 91 Intended Use Plan Project - Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Des Moines ICA	192001-02	25	30	5.5 NH ₃	IVB	9190	1/91	3/91	3/92
Oskaloosa	192007-02	25	30	2.9 NH ₃	II	189	1/91	3/91	3/92
Perry	192008-01	25	30	2.3 NH ₃	I	443	2/91	4/92	1/94
Adel	192009-01	25	30		IVB	594	1/91	2/91	2/92
Dows	192010-01	25	80	5.5 NH ₃	I	310	1/91	3/91	3/92
Martensdale	192011-01	25	80		I	210	12/90	12/90	12/90
Preston	192012-01	25	30		IVB,I	490	2/91	4/91	4/92
Van Meter	192013-01	25	30		IVB,I	559	1/91	3/91	3/92
Brandon	192014-01	25	30		II	122	6/91	7/91	3/92
Stanwood	192015-01	25	30		II	294	12/90	3/91	3/92
Carlisle	192016-01	25	30		II	901	7/91	8/91	5/92
Independence	192017-01	25	30		IVB	964	12/90	3/91	3/92
LeGrand	192018-01	25	30		I	450	4/91	5/91	5/92
Grand Mound	192019-01	25	30		I	265	12/90	4/91	4/92
Camanche	192020-01	25	30		I	336	12/90	12/90	5/91

Part 1 Total: 15,317

Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Perry	192008-02	25	30	2.3 NH ₃	I	4000	6/91	4/92	1/94
Indianola	192021-01	25	30	3.0 NH ₃	I, IVB	1103	5/91	5/91	5/92
Mason City	192022-01	25	30		II	4237	6/91	10/91	10/92
Independence	192017-02	25	30		IVB	372	5/91	5/91	3/92
New Hampton	192023-01	25	30		I	543	6/91	6/91	12/91
Kanawha	192024-01	25	80		I	232	5/91	5/91	3/92
Nora Springs	192025-01	25	30		I	100	6/91	8/91	3/92
Marengo	192026-01	25	80		I	360	6/91	10/91	6/92
Stratford	192027-01	25	80		I, IVB	778	5/91	5/91	12/91
Central City	192028-01	25	30		I	670	5/91	5/91	5/92
Orchard	192029-01	25	80		I	265	6/91	7/91	12/91
Des Moines ICA	192001-03	25	30	5.5 NH ₃	IVB	4908	5/91	6/91	4/92
Ankeny	192030-01	25	30		IVB	965	6/91	10/91	10/92
Avoca	192031-01	25	80		I	415	7/91	8/91	7/92
Melcher-Dallas	192032-01	25	80		IVA, IVB	153	7/91	8/91	7/92
Agency	192033-01	25	30		I	110	6/91	6/91	6/92
Coralville	192034-01	25	30		I	4560	6/91	10/91	10/92
Hawarden	192035-01	25	30		I	98	6/91	8/91	8/92
Woodbine	192036-01	25	80		I	149	6/91	8/91	8/92
Missouri Valley	192037-01	25	30		IVA, IVB	267	7/91	9/91	4/92
Carroll	192038-01	25	30		I	406	8/91	10/91	9/92

continue next page

Chart 1 Part 2 (continued)

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Anita	192039-01	25	30	.	IVB	75	7/91	8/91	4/92
Stanton	192040-01	25	80		I	372	8/91	9/91	7/92
Knoxville	192041-01	25	30		IVB	1270	6/91	8/91	8/92
Clinton	192042-01	25	30		I	2964	6/91	8/91	10/92
Ossian	192043-01	25	30		I	71	7/91	9/91	7/91
Denmark	192044-01	25	80		I, IVA, IVB	794	8/92	10/91	10/92
Farragut	192045-01	25	30		I, IVB	158	7/91	8/91	7/92

Part 2 Total: 30,395

Chart 1 Part 3: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
PGM-ADM (91)		NA	NA	NA	NA	1048	5/91	NA	NA

Part 3 Total: 1048

FY GRAND TOTAL: 46,760

Key to Need Categories

- I. Secondary Treatment
- II. Treatment more stringent than secondary
- IIIA. Infiltration/Inflow correction
- IIIB. Major sewer system rehabilitation
- IVA. New collectors and appurtenances
- IVB. New interceptors and appurtenances
- V. Correction of combined sewers

Chart 2: FY90 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					

Key to Need Categories

- I. Secondary Treatment
- II. Treatment more stringent than secondary
- IIIA. Infiltration/Inflow correction
- IIIB. Major sewer system rehabilitation
- IVA. New collectors and appurtenances
- IVB. New interceptors and appurtenances
- V. Correction of combined sewers

Chart 3: Loan List - Projected Binding Commitments by Quarter

	Project Name: Community Serve	Project Number	Prior Year	BINDING COMMITMENT							
				Fiscal Year 1991				Fiscal Year 1992			
				QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
	FY90 - Section 212 POTW Projects										
Des Moines ICA		192001-02			9190						
Oskaloosa		192007-02			189						
Perry		192008-01			443						
Adel		192009-01			594						
Dows		192010-01			310						
Martensdale		192011-01		210							
Preston		192012-01			490						
Van Meter		192013-01			559						
Brandon		192014-01			122						
Stanwood		192015-01		294							
Carlisle		192016-01			901						
Independence		192017-01		964							
LeGrand		192018-01			450						
Grand Mound		192019-01		265							
Camanche		192020-01		336							

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Chart 3 (continued)

Project Name: Community Serve	Project Number	Prior Year	BINDING COMMITMENT							
			Fiscal Year 1991				Fiscal Year 1992			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY91 - Section 212 POTW Projects										
Perry	192008-02				4000					
Indianola	192021-01				1103					
Mason City	192022-01				4237					
Independence	192017-02				372					
New Hampton	192023-01				543					
Kanawha	192024-01				232					
Nora Springs	192025-01				100					
Marengo	192026-01				360					
Stratford	192027-01				778					
Central City	192028-01				670					
Orchard	192029-01				265					
Des Moines ICA	192001-03				4908					
Ankeny	192030-01				965					
Avoca	192031-01					415				
Melcher-Dallas	192032-01					153				
Agency	192033-01				110					
Coralville	192034-01				4560					
Hawarden	192035-01				98					
Woodbine	192036-01				149					
Missouri Valley	192037-01					267				

continue next page

Chart 3 (continued)

BINDING COMMITMENT											
Project Name: Community Serve	Project Number	Prior Year	Fiscal Year 1991				Fiscal Year 1992				
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
FY91 - Section 212 POTW Projects											
Carroll	192038-01					406					
Anita	192039-01					75					
Stanton	192040-01					372					
Knoxville	192041-01				1270						
Clinton	192042-01				2964						
Ossian	192043-01					71					
Denmark	192044-01					794					
Farragut	192045-01					158					
PGM - ADM (FY89)		510									
PGM - ADM (FY90)		528									
PGM - ADM (FY91)				1048							
TOTALS		1038	2069	14296	27684	2711		0	0	0	0
CUMULATIVE TOTALS		1038	3107	17403	45087	47798		47798	47798	47798	47798
FY TOTALS		1038				46760					0

Mr. Stokes explained the Intended Use Plan and asked the Commission's approval of same.

Motion was made by Margaret Prah1 to approve the State Revolving Fund Intended Use Plan for FY 91. Seconded by Clark Yeager. Motion carried unanimously.

EMERGENCY ADOPTED RULE AND NOTICE OF INTENDED ACTION--CHAPTER 68,
COMMERCIAL SEPTIC TANK CLEANERS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

House File 2115, 1990 Acts, amended Section 455B.172, subsection 5 to include regulating the commercial cleaning of private waste facilities. The amendment requires the establishment of licensing requirements and standards for cleaning private waste facilities and disposing of waste from the facilities. The department is responsible for adopting standards and issuing licenses and the county boards of health are responsible for enforcing the standards and licensing requirements. The proposed rule addresses the following:

- * Definitions for key words and terms.
- * Licensing requirements and procedures.
- * License suspension, revocation and denial.
- * Licensee and county boards of health responsibilities.
- * Standards for cleaning and disposing of wastes from the facilities.

The Department requests that the Commission adopt the rules and approve a Notice of Intended Action. This will allow the rules to be in place on March 1, 1991 to initiate the licensing process and to take comments on the rules.

(Rule is shown on the following 7 1/2 pages)

**APPLICATIONS OF CHAPTER 68, COMMERCIAL
SEPTIC TANK CLEANERS**

The following table indicates the types of facilities to be serviced for which a commercial septic tank cleaner would or would not be required to be licensed under the provisions of H.F. 2115 and Chapter 68.

Facility Description	Ownership		Commercial Septic Tank Cleaner Required to be licensed	Reason
	Public	Private		
1A. Septic tanks for homes		X	Yes	Required by H.F. 2115
1B. Septic tanks for clusters of homes		X	Yes	Required by H.F. 2115
1C. Septic tanks for service stations, car washes, maintenance garages, restaurants, etc.		X	Yes	Required by H.F. 2115
1D. Septic tanks for service stations, car washes, maintenance garages, restaurants, etc.	X		No	Publicly owned: H.F. 2115 only addresses private facilities
2A. Holding tanks for other wastes at gas stations, car washes, and maintenance garages		X	No	Not required by H.F. 2115 (non-sanitary wastes)
2B. Holding tanks for other wastes at gas stations, car washes, and maintenance garages	X		No	Publicly owned: H.F. 2115 only addresses private facilities
3. Industrial sanitary facilities including lagoons		X	Yes	Required by H.F. 2115

Facility Description	Ownership		Commercial Septic Tank Cleaner Required to be licensed	Reason
	Public	Private		
4A. Campgrounds		X	Yes	Required by H.F. 2115
4B. Campgrounds	X		No	Publicly owned: H.F. 2115 only addresses private facilities
5A. Portable toilets		X	Yes	Required by H.F. 2115
5B. Portable toilets	X		No	Publicly owned: H.F. 2115 only addresses private facilities
6. Municipal sludge and grit facilities	X		No	Public facili- ties cov- ered under Chapters 64, 103 and 121
7. Industrial sludge and grit facilities		X	No	Covered under Chapters 64, 103 and 121

Facility Description	Ownership		Commercial Septic Tank Cleaner Required to be licensed	Reason
	Public	Private		
8A. Animal waste pits, including earthen storage, formed storage and anaerobic lagoons		X	Yes, if commercial cleaner pumps and removes waste, sprays directly on site, or hauls and sprays on owners land or on other land	Required by H.F. 2115 and by Chapter 68
8B. Animal waste pits, including earthen storage, formed storage and anaerobic lagoons		X	No, if owner pumps and removes waste, sprays directly on site, or hauls and sprays on owners land or on other land	Not required by H.F. 2115 nor by Chapter 68
8C. Animal waste pits, including earthen storage, formed storage and anaerobic lagoons	X		No	Publicly owned: H.F. 2115 only addresses private facilities

1/2/91

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission intends to adopt Chapter 68, "Commercial Septic Tank Cleaners."

Chapter 68 is designed to implement Iowa Code subsection 455B.172(5) as amended by 1990 Iowa Acts, Chapter 1243 and provides standards for the commercial cleaning of and the disposal of waste from private waste facilities. In addition, the chapter sets forth licensing requirements and procedures.

Any interested person may file written comments or suggestions on the proposed rules through March 22, 1991. Such written materials should be directed to Wayne Reed, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034. Persons are also invited to present oral or written comments at public hearings which will be held on March 12, 1991, at 10 a.m. at Iowa State University Extension Service Office, 2719 East Hwy. 6 in Council Bluffs, Iowa; on March 12, 1991, at 3 p.m. at City Hall, Sixth and Douglas, Room 109 in Sioux City, Iowa; on March 13, 1991, at 10:30 a.m. at City Council Office, Council Chambers, 819 First Avenue South in Fort Dodge, Iowa; on March 14, 1991, at 10 a.m. at Public Library, 123 South Linn in Iowa City, Iowa; on March 14, 1991, at 3 p.m. at City Hall, Council Chambers, 220 Clay Street in Cedar Falls, Iowa; and on March 15, 1991 at 10 a.m. at the Wallace State Office Building in the fifth floor conference room, 900 East Grand Avenue, Des Moines, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small businesses.

These rules are intended to implement Iowa Code subsection 455B.172(5), as amended by 1990 Iowa Acts, Chapter 1243.

These amendments are also being adopted and filed emergency as published herein as ARC ____ and the content of that filing is incorporated herein by reference.

(A:EP68A.MIN/361-90/sp)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed Emergency

Pursuant to Iowa Code section 455A.6, the Environmental Protection Commission emergency adopts Chapter 68, "Commercial Septic Tank Cleaners," Iowa Administrative Code. This chapter is designed to implement Iowa Code subsection 455B.172(5) as amended by 1990 Iowa Acts, Chapter 1243, and provides standards for the commercial cleaning of, and the disposal of waste from, private waste facilities. In addition, the chapter sets forth licensing requirements and procedures for commercial septic tank cleaners.

Pursuant to Iowa Code section 17A.4(2), the Environmental Protection Commission finds that public notice and participation is impractical because the above cited statutory provision becomes effective on March 1, 1991. It is necessary that standards and licensing procedures required in the legislation be available to the public at that time. Nevertheless, the department is simultaneously publishing these rules in a Notice of Intended Action, ARC , to solicit public comment.

The commission further finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these rules, thirty-five days after publication, should be waived because these rules confer a public benefit by providing standards and licensing information when the statutory requirement becomes effective on March 1, 1991.

These rules were adopted by the Environmental Protection Commission on January 22, 1991, and shall become effective on March 1, 1991.

These rules are intended to implement Iowa Code subsection 455B.172(5) as amended by 1990 Iowa Acts, Chapter 1243.

ITEM 1. Rescind subparagraph 69.14(2) and replace with the following:
69.14(2) Commercial septic tank cleaners. Individual administrative authorities shall enforce the licensing program for commercial septic tank cleaners in accordance with the requirements of Chapter 68.

ITEM 2. Adopt Chapter 68 as follows:

CHAPTER 68

Commercial Septic Tank Cleaners

567--68.1(455B) Purpose and Applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) as amended by 1990 Iowa Acts, Chapter 1243, by providing standards for the commercial cleaning of and the disposal of waste from private waste facilities, and licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private waste facilities.

567--68.2(455B) Definitions. Definitions used in this chapter are listed in alphabetical order as follows:

"Cleaning" means removal of waste from private waste facilities and other actions incidental to that removal.

"Commercial septic tank cleaner" means a person or firm engaged in the business of cleaning and disposing of waste from private waste facilities, including a person or firm that owns and rents or leases portable toilets.

"Private waste facilities" includes, but is not limited to, septic tanks as defined in chapter 69.3(1); impervious vault toilets, portable toilets, and chemical toilets as described in chapter 69; and all waste control systems identified in chapter 65, for animal confinement feeding operations.

"Tank" means any container which is placed on a vehicle to transport waste removed from a private waste facility.

"Vehicle" means a device used to transport a tank.

"Waste" means human or animal excreta, water, scum, sludge, septage, and grease solids from private sewage disposal systems; impervious vault, portable, or chemical toilets; and waste control systems for animal confinement feeding operations.

567--68.3(455B) Licensing requirements. Effective March 1, 1991, commercial septic tank cleaners must apply for and obtain a license from the department before engaging in the commercial cleaning of and disposing of waste from any private waste facility unless, prior to March 1, 1991, a county board of health issued a license authorizing this activity. In that event the commercial septic tank cleaner is not required to obtain a license from the department until the license expires or until March 1, 1992, whichever occurs first.

567--68.4(455B) Licensing procedures.

68.4(1) Application for license. Commercial septic tank cleaners must apply for a license by completing a form provided by the department and submitting it with the license fee to the Department of Natural Resources, License Bureau, Wallace Building, 900 East Grand, Des Moines, Iowa 50319. In the case of a commercial septic tank cleaner which is a corporation, partnership, association or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate one person; a partner, officer, manager, supervisor, or other full-time employee to act as its representative for the purpose of applying for a license. Individuals employed by a commercial septic tank cleaner business are not required to be licensed but each cleaning unit (vehicle or tank) must have the license number displayed and a copy of the current license with the cleaning unit.

68.4(2) License fee. The initial license application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the Department of Natural Resources. The application fee is twenty-five dollars (\$25) per year.

68.4(3) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by the expiration date specified on the license. Renewal application must be made on a form provided by the department, and must be received by the department or postmarked at least thirty (30) days prior to the expiration date. The renewal application form must be accompanied by the license fee specified in subrule 68.4(2).

567--68.5(455B) Suspension, revocation and denial of license.

68.5(1) Basis for suspension, revocation, and denial. The department may suspend, revoke, or deny a commercial septic tank cleaner license for any of the following reasons:

- a. A material misstatement of facts in a license application.
- b. A failure to provide the adequate license fee.
- c. A failure to satisfy the obligations of a commercial septic tank cleaner and the standards as provided in rules 68.6(455B), 68.8(455B), and 68.9(455B).
- d. Violation of disposal standards in chapters 65, 69, and 121.

68.5(2) Appeal. A commercial septic tank cleaner may appeal the suspension, revocation, or denial of a license under the provisions of chapter 7.

68.5(3) Reinstatement. In the case of a denial, revocation, or suspension pursuant to paragraphs 68.5(1)"b" or "c," the department may immediately reinstate or issue a license after receipt of the requisite fee or confirmation that the commercial septic tank cleaner is fulfilling the requirements of rules 68.6(455B) and 68.8(455B). In case of a denial,

revocation or suspension pursuant to paragraphs 68.5(1)"a" or "d," the department may reinstate or issue a license no sooner than sixty days after the denial, revocation, or suspension, if the department is satisfied that the commercial septic tank cleaner has corrected the deficiency and will comply with departmental rules in the future.

567--68.6(455B) Licensee's obligations.

68.6(1) Supervision. To provide supervision to the removal and disposal of waste from private waste facilities.

68.6(2) Standards. To meet the standards established for the cleaning of and disposal of waste from private waste facilities.

68.6(3) Records. To maintain records of private waste facilities cleaned and the location and method of waste disposal. Such records shall be made available upon request to county board of health or department officials.

567--68.7(455B) County obligations. The county boards of health shall enforce the standards and licensing requirements contained in this chapter and other referenced rule sections relating to the cleaning of private waste facilities and disposal of waste from such facilities.

567--68.8(455B) Standards for commercial cleaning of private waste facilities.

68.8(1) Vehicles and tanks. For all vehicles and tanks used in the commercial cleaning of private waste facilities the licensee shall:

a. Prevent the dripping, falling, spilling, leaking, or discharging of waste on to roads or right-of-ways.

b. Provide the equipment necessary for proper cleaning of private waste facilities.

c. Assure proper construction and repair to allow easy cleaning and maintaining in an essentially rust-free and sanitary condition and appearance.

68.8(2) Miscellaneous.

a. Any tanks used for hauling waste from private waste facilities shall not be used for any other purposes.

b. Pumps and associated piping shall be installed with water tight connections to prevent leakage.

c. The vehicle shall be provided with agitation capability for use in cleaning private waste facilities to disperse sludge and scum into the liquid for proper cleaning.

d. Hoses and piping shall be stored with tightly fitted caps or covers on the ends to prevent leakage or dripping in transit and when not in use.

e. All vehicles shall display the license number assigned to the commercial septic tank cleaner with 3 inch or larger letters and numbers on the side of the tank or vehicle.

f. The name and address of the license holder shall be prominently displayed on the side of the tank or vehicle.

g. A direct connection shall not be made between a potable water source and the tank or equipment on the vehicle.

567--68.9 Standards for Disposal. Disposal of wastes from private waste facilities shall be carried out in accordance with the rules established by the department.

68.9(1) Waste from private sewage disposal systems, impervious vault, portable, or chemical toilets or other similar types of private waste facilities shall be disposed according to requirements in Chapter 69, "On-site

Wastewater Treatment and Disposal Systems" and Chapter 121, "Land Application of Sludge and Solid Waste."

68.9(2) Waste from animal confinement feeding operations shall be disposed according to requirements in Chapter 65, "Animal Feeding Operations."

Date

Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the rules.

Motion was made by Margaret Prahl to approve Emergency Adopted Rule and Notice of Intended Action--Chapter 68, Commercial Septic Tank Cleaners. Seconded by Rozanne King.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Yeager, King, Prahl, and Mohr. "Nay" vote was cast by Commissioner Priebe. Motion carried on a vote of 5-Aye to 1-Nay.

NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS:
STREAM USE DESIGNATIONS - PHASE III

Stream Use Designations - Phase III Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Notice of Intended Action for revisions to Chapter 61, Water Quality Standards - Use Designations. The recently enacted numerical and narrative criteria of the water quality standards include new aquatic use protection designations for Iowa's water bodies. As part of the continued staff activity to properly determine and assign the appropriate use designations to all the individual streams, lakes, and wetlands, an additional set of stream segments (Round III) have been surveyed and use designations proposed. This notice also includes protected flows that have been established on stream segments where protection of the stream at the 7Q10 flow is not warranted. Included are:

- * Stream segments previously designated as B (warm water) and proposed to be designated as B (significant resource warm water).

* Streams segments previously designated as General Use and proposed to be designated as B (significant resource warm water).

* Stream segments previously designated as B (warm water) and proposed to be designated as B (limited resource warm water).

* Stream segments previously designated as General Use and proposed to be designated as B (limited resource warm water).

* Stream segments for which a protected flow has been established and the proposed protected stream flow rate.

The list of stream segments, the proposed use designation for each segment, and proposed protected flows are included in the Notice of Intended Action. Six public hearing are scheduled to receive comments on the proposed rules.

WATER QUALITY STANDARDS REVISIONS ROUND III - STREAM USE DESIGNATIONS

Summary of Economic Impacts and Benefits

The FFY 89 Water Quality Standards Revision, Estimated Economic Impacts and Benefits report prepared by the Department in January of 1990 projected a cost of 601.1 million dollars would be needed for construction or upgrading of 280 wastewater treatment facilities to meet the water quality standards as originally proposed. The cost was reduced to 490 million dollars by incorporating recommendations of a special committee established by the Commission (See Fact Sheet: The Affects of the Revisions to the Ammonia Implementation Procedures, February 19, 1990). This cost was based on the adoption of numerical standards, the assumption that all perennial flow streams would be designated as Class B(WW) Significant Resource Streams (B(WW)) and implementation of the standards would occur as discussed in the Fact Sheet.

The Commission requested an estimate of the cost associated with Round III - Stream Use Designation proposed rules. The proposed rules will reduce the projected cost from those projected in the Fact Sheet by 1.9 million dollars.

Seventy-two wastewater treatment facilities discharge to the streams included in Round III. Fourteen facilities discharge to proposed B(WW) streams and 58 facilities discharge to B(LR) streams. Because the January 1990 report and Fact Sheet assumed that all perennial flow streams would be designated as B(WW) there is no increase in the projected costs for the 14 facilities. Four of the 58 facilities discharging to B(LR) streams will not require facility improvements. The fifty-four facilities that discharge to the B(LR) streams will have reduced construction cost of 1.9 million. This reduction in costs is due to the less stringent treatment requirements associated with the B(LR) streams versus B(WW) streams.

(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Stokes distributed a summary of estimated costs associated with Phase III of the Stream Use Designation rules. He explained the rules along with the economic impacts.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 61, Water Quality Standards: Stream Use Designations - Phase III. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

FINAL RULE--CHAPTER 70, FLOODPLAIN DEVELOPMENT PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached rule amendments which would:

Eliminate milldams as a separate class of dam. Legislation proposed by the Commission and passed last session repealed a portion of Iowa Code Chapter 469 relating to Department regulation and inspection of milldams. Such dams are now regulated under the provisions of Iowa Code Chapter 455B. The amendments would bring the administrative rules in line with the statutory changes.

Make minor changes in the floodplain permit review procedure to streamline and clarify the review process for routine, non-controversial projects.

Change the threshold limits (i.e., when approval is needed) for small dams within and near cities and add a minimum height criterion for other dams.

Exempt from permit requirements bridges constructed in conjunction with channel changes in rural areas on streams draining less than 100 square miles. The threshold limits for channel changes on these streams would not be changed.

Exempt from permit requirements buried pipeline crossings which do not change the natural contours of the channel and floodplain.

Make minor "housekeeping" changes (e.g., dates) to the rules and Technical Bulletin No. 16, "Design Criteria and Guidelines for Iowa Dams."

The Notice of Intended Action was published in the IAB on November 14, 1990. Written comments or suggestions were accepted through December 12, 1990 and a public hearing was provided for on December 6, 1990. No parties appeared at the public hearing. Written comments received are summarized below:

Soil Conservation Service, USDA - The SCS was supportive of the threshold changes for small dams within and near cities. Two comments were made relative to design guidelines contained in Technical Bulletin No. 16. One comment dealt with the use of asbestos coatings for metal pipe conduits. Due to environmental concerns, asbestos coatings are no longer being used and language in TB 16 was changed to reflect this. The other comment concerned the guideline for minimum exit channel slopes for earth emergency spillways. SCS noted their design standards call for a minimum slope of 4% while TB 16 establishes a slope range of 1% to 10%. Upon further review, it was determined that the existing guideline is adequate to insure that the water surface profile passes through critical depth within the control section (thereby maintaining the integrity of the stage-discharge relationship) and no change was needed.

Iowa County Engineers Association - The ICEA supported the change in thresholds for bridges associated with channel changes and further noted that changes in the permit review procedure would cut down the permit review time.

Iowa Department of Transportation - IDOT commented favorably on the threshold change for bridges. With respect to the rule change that would allow the Department to issue a permit for a routine, non-controversial project without preparing a project summary report, IDOT requested that a "Summary of Engineering Data" sheet, which typically is part of the project summary report, be included with all permits. The engineering data summary sheet still will be prepared for file documentation and therefore, such can be provided routinely to permittees on an informal, cooperative basis. No change in the amendments are necessary to accomplish this.

If approved, it is anticipated the amendments will be published as a final rule in the February 20 IAB with an effective date of March 27, 1991.

(Rule and Technical Bulletin #16 is shown on the following 20 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.278, the Environmental Protection Commission has amended Chapter 70, "Scope of Title--Definitions--Forms--Rules of Practice;" Chapter 71, "Flood Plain or Floodway Development --When Approval Is Required;" Chapter 72, "Criteria for Approval;" Chapter 73, "Use, Maintenance, Removal, Inspections, and Safety of Dams;" Chapter 74, "Milldams and Races;" and Chapter 75, "Management of Specific Flood Plain Areas."

The amendments reflect legislation which repealed the regulatory provisions of Iowa Code Chapter 469 (Dams), streamline and clarify flood plain permitting procedures, and make various other minor changes in the Commission's flood plain rules and the Department's Technical Bulletin No. 16, "Design Criteria and Guidelines for Iowa Dams."

Notice of Intended Action was published in the November 14, 1990 Iowa Administrative Bulletin as ARC 1443A. The only change from such notice was a change in the effective date of Technical Bulletin No. 16 from September 1990 to December 1990. A comment from the Soil Conservation Service, U.S. Department of Agriculture, prompted a minor change in wording within the bulletin, necessitating a change in the effective publication date. The change involved the use of asbestos coating for corrugated metal pipe conduits. Most, if not all, suppliers have discontinued the use of asbestos due to environmental concerns and the change reflects the current use of fiber-bonded material to accomplish the same purpose. Comments received during the comment period were favorable as to the general intent of the amendments.

The amendments were adopted by the Environmental Protection Commission at its January __, 1991 meeting and will become effective on _____, 1991.

These amendments are intended to implement Iowa Code section 455B.278.

The following amendments are adopted.

ITEM 1. Rule 567--70.1(109,455B,469) unnumbered paragraph, is amended to read as follows:

Minimum statewide criteria for most types of flood plain development are listed in Chapter 72. Special requirements for dams are listed in Chapter 73. ~~Requirements which apply only to milldams are listed in Chapter 74.~~

ITEM 2. Rule 567--70.3(17A,109,455B,469) is amended to read as follows:

567--70.3(17A,109,455B,469) Forms. The following forms are currently in use for flood plain projects.

Form 36: Application for Approval of Construction in or on any Floodway or Flood Plain. 8/85- 4/87. 542-3234

Form 37: Notification of Completion of Construction. 7/83- 1/87. 542-3017

~~Form--38:--Temporary--Stream--Crossing--for--Highway--Construction:--7/83: 542-1011~~

ITEM 3. Rule 567--70.4(17A,109,455B,469) is rescinded and the following is inserted in lieu thereof:

567--70.4(17A,109,455B) Requesting approval of flood plain development.

70.4(1) Development needing approval. Any development in a floodway or flood plain which exceeds the thresholds in Chapter 71 of these rules and is

not otherwise regulated by a department flood plain management order or a department-approved, locally adopted flood plain management ordinance requires a department flood plain development permit.

70.4(2) Applying for a flood plain development permit. Application for a flood plain development permit shall be made on DNR Form 36 or a reasonable facsimile thereof. The application shall be submitted by or on behalf of the person or persons who have or will have responsibility by reason of ownership, lease, or easement for the property on which the project site is located. The application must be signed by the applicant or a duly authorized agent. Completed applications along with supporting information shall be mailed or otherwise delivered to the Flood Plain Management Section, Environmental Protection Division, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319.

70.4(3) Engineering plans.

a. General requirement of certified plans. An application shall not be considered complete until sufficient engineering plans have been submitted to enable the department to determine whether the project as proposed satisfies applicable criteria. The engineering plans shall contain information specified by the department, including specifications, operation procedures and other information relating to environmental impacts. The engineering plans and other engineering information shall be certified by a registered professional engineer or, if applicable, a registered land surveyor, as required by Iowa Code chapter 114. Duplicate copies of certified plans are required so that one copy can be returned to the applicant upon approval or disapproval of the application. An additional copy of the certified plans shall be required if the plans are incorporated as part of an approval or disapproval order which is filed with a county recorder.

b. Waiver of submission of certified plans. The department may waive the requirement in paragraph "a" of this subrule that the application for approval of a flood plain project be supported by certified engineering plans by making one of the following determinations:

(1) Engineering data are not required to determine that the project conforms to all applicable administrative and statutory criteria; or

(2) Adequate engineering data used to evaluate the dimensions and affects of the project were already available to the engineering staff.

70.4(4) Application fee. Reserved. No fee is charged at this time.

70.4(5) Modification of application or plans. Applicants and prospective applicants are encouraged to communicate with the department's staff before submitting plans to identify the data required for review of a project and to discuss project modifications reasonably required to make the project conform to applicable criteria. When staff review of submitted plans discloses needed for plan modification to conform to one or more criteria, the applicant is encouraged to submit revised plans.

ITEM 4. Subrules 70.5(1), 70.5(3) and 70.5(4) are amended to read as follows:

70.5(1) Initial screening of applications. Each application upon receipt shall be promptly evaluated by the department to determine whether adequate information is available to review the project. The department shall then advise the applicant of any additional information required to review the project. If the requested information is not submitted within 60 days of the date the request is made, the department may consider the application withdrawn.

70.5(3) Project investigation. The department shall make an investigation of a project for which an application is submitted. The following are standard procedures for an investigation of an application.

a. Inspection. Agency personnel may make one or more field inspections of the project site when necessary to obtain information about the project. Submission of the application is deemed to constitute consent by the applicant for the agency staff and its agents to enter upon the land on which the proposed activity or project will be located for the sole purpose of collecting the data necessary to process the application, unless the applicant indicates to the contrary on the application.

b. Hydraulic Technical review. The department staff shall conduct an appropriate--hydraulic a technical review using appropriate analytical techniques such as application of hydrologic and hydraulic models to determine the hydraulic effects and impacts of the a proposed project.

c. Solicitation of expert comments on environmental effects. For channel changes or other development which may cause significant adverse effects on the wise use and protection of water resources, water quality, fish, wildlife and recreational facilities or uses, the department shall request comments from the fish and wildlife division of the department or other knowledgeable sources.

d. Summary report of project review. ~~Personnel-assigned-to-project-review shall-prepare-a-summary-report-which-shall-state-whether-the-project-conforms-to-relevant-criteria-~~ The department staff may, at its discretion, prepare a project summary report which summarizes the results of the review with respect to relevant criteria, the analytical methods used in the review and other project information. Typically, project summary reports will be prepared only for those projects for which negative comments have been received from potentially affected landowners, those projects which are not approvable, and those projects which are complex in nature. Project summary reports will not normally be prepared for routine, noncontroversial projects.

e. Notice to landowners who might be affected. Before an application for approval of a levee or channel change is approved the department shall require the applicant to provide the names of the owners and occupants of land located immediately upstream, downstream, and across from the project site, and owners of any other land which the agency staff determines may be adversely affected by the project. The department shall then notify the landowners that the project is under consideration and provide a reasonable opportunity for submission of comments. The requirements of this paragraph also apply to other types of flood plain development when the project review discloses that lands not controlled by the applicant may be adversely affected by the project.

f. Notice to the applicant that project does not conform to criteria. If the project review discloses that the project violates one or more criteria and that the project should be disapproved, or approved only subject to special conditions to which the applicant has not agreed, the department shall notify the applicant and, when practical, suggest appropriate project modifications. The department shall offer the applicant an opportunity to submit comments before an initial decision is made.

70.5(4) Initial decision by the department.

~~a--Form of decision: --The initial decision by the department on an application shall be an approval or disapproval order issued by the chief of the flood plain branch; program operations division. --The decision shall include the general conditions listed in chapter 72 of these rules when appropriate; and may include one or more special conditions when reasonably necessary to implement relevant criteria: --The decision may incorporate by reference and attachment the summary report described in 70.5(3)"d" of these rules. --The decision shall include the following:~~

~~--1--Determinations-as-to-whether-the-project-satisfies-all-relevant-criteria not-addressed-in-an-attached-summary-report-~~

~~--2--An-explanation-of-the-basis-for-imposing-each-special-condition-~~

~~--3--Explanation-of-the-consideration-given-to-all-comments-submitted pursuant-to-70.5(3)"e"-and-"f"-unless-the-comments-are-adequately-addressed-in an-attached-summary-report-~~

The initial decision by the department on an application for a flood plain development permit shall be either approval or disapproval. The initial decision shall include a determination whether the project satisfies all relevant criteria and may incorporate by reference and attachment the summary report described in 70.5(3)"d" of these rules.

a. Approval. Issuance of a flood plain development permit shall constitute approval of a project. The permit shall include applicable general conditions listed in Chapter 72 of these rules and may include one or more special conditions when reasonably necessary to implement relevant criteria.

b. Disapproval. A letter to the applicant denying the application shall constitute disapproval of a project.

b.c. Notice of initial decision. Copies of the initial decision shall be mailed to the applicant, any person who commented pursuant to 70.5(3)"e," and any other person who has requested a copy of the decision. The decision may be sent by ordinary mail, first class, and shall be accompanied by a certification of the date of mailing. An initial decision becomes the final decision of the department unless a timely notice of appeal is filed in accordance with 70.6(17A,109,455B,469). The final decision may be filed with the appropriate county recorder to give constructive notice to future landowners of any conditions or requirements imposed by the final decision.

ITEM 5. Rule 567--70.6(17A,109,455B,469), implementation paragraph, is amended to read as follows:

These rules are intended to implement Iowa Code sections 17A.3, 109.15, 455B.105, and chapter 455B, division III, part 4; ~~and chapter 469.~~

ITEM 6. Subrule 71.1(1) is amended to read as follows:

71.1(1) Rural area - floodway. In rural areas,

~~a--Bridges bridges, culverts, road embankments, and temporary stream crossings in or on the floodway of any river of or stream draining more than one-hundred-(100) square miles. (Note: Channel modifications associated with bridge, culvert or roadway projects may need approval; see 567--71.2(455B)).~~

~~b--Bridges; -culverts; -road -embankments; -and -temporary -stream -crossings involving -channel -changes -in -or -on -the -floodway -of -any -stream -draining -at -the -location -of -the -channel -change -between -ten -(10) -and -one -hundred -(100) -square miles -whereby -either -(i) -more -than -five -hundred -(500) -foot -length -of -the existing -channel -is -being -altered -or -(ii) -the -length -of -existing -channel -being altered -is -reduced -by -more -than -twenty -five -percent -(25%)-~~

ITEM 7. Subrule 71.3(1) is amended to read as follows:

71.3(1) Rural areas. In rural areas:

a. Any dam designed to provide a sum of permanent and temporary storage exceeding ~~fifty -(50) acre-feet~~ at the top of dam elevation, or ~~twenty-five (25) acre-feet~~ if the dam does not have an emergency spillway, and which has a height of five feet or more.

b. Any dam designed to provide permanent storage in excess of ~~eighteen -(18) acre-feet~~ and which has a height of five feet or more.

c. Any dam across a stream draining more than ten ~~(10)~~ square miles.

d. Any dam located within ~~two~~ one (2) mile of an incorporated municipality, if the dam has a height of ten ~~(10)~~ feet or more, ~~and -is -designed -to temporarily -store -more -than -five -(5) -acre -feet -at -the -top -of -dam -elevation; -or~~

impounds-a-stream-draining-two-(2)-or-more-square-miles- stores ten acre-feet or more at the top of dam elevation, and is situated such that the discharge from the dam will flow through the incorporated area.

ITEM 8. Subrule 71.3(5) is rescinded and reserved.

ITEM 9. Rule 567--71.8(455B) is amended to read as follows:

567--71.8(455B) Pipeline crossings. Approval by the department for the construction, operation and maintenance of buried pipeline crossings is not required if the natural contours of the channel and flood plain are maintained. (Note: Approval of streambank protection measures associated with pipeline crossings may need approval under 567--71.9(455B)). Approval by the department for the construction, operation, and maintenance of all other pipeline crossings shall be required in the following instances.

71.8(1) Rural areas. In rural areas, pipeline crossings on any river or stream draining more than ~~one-hundred-(100)~~ square miles.

71.8(2) Urban areas. In urban areas pipeline crossings on any river or stream draining more than two (2) square miles.

ITEM 10. Paragraph 72.3(1)"a" is amended to read:

a. Required findings. The department will approve the construction, operation or maintenance of a dam or modification of a dam or appurtenant structure only after finding that the project is designed in accordance with accepted engineering practice and methods and in a manner consistent with the applicable criteria and guidelines in department Bulletin No. 16, "Design Criteria and Guidelines for Iowa Dams," July-1983 December 1990.

ITEM 11. Subrule 73.1(1) is amended to read as follows:

73.1(1) When approval of operating plan required. An operating plan approved by the department shall be required for any dam exceeding the thresholds established in department rule 71.3(455B) ~~and-for-any-milldam~~ if the dam ~~or-milldam~~ has movable structures which must operate during floods or to release a minimum downstream flow, or the impoundment water level is raised or lowered regularly or periodically.

ITEM 12. Subparagraph 73.1(2)"a"(1) is amended to read as follows:

(1) Where operating plan is related to proposed construction. If an operating plan is required for a proposed new dam or because of proposed structural modification of an existing dam, the operating plan will be reviewed as part of the department review of construction plans which are required by Chapters 50 70 to 52 72. Approval of the proposed operating plan will be made a part of the department order permit, which approves the construction plans.

ITEM 13. Subrule 73.2(1) is amended to read as follows:

73.2(1) When approval required. A separate approval is required to temporarily or permanently raise or lower the level of water impounded by a dam which exceeds the thresholds of rule 71.3(455B) ~~or-a-milldam-as-defined-in Iowa-Code-chapter-469~~; unless the raising and lowering has been authorized as part of an approved operation plan. Such approval shall be in the form of a letter authorizing the lowering or raising and may be conditioned upon various requirements.

ITEM 14. Subrule 73.11(1) is amended as follows:

73.11(1) When approval required. Agency approval is required to remove a ~~milldam-or~~ any other dam which exceeds the thresholds in rule 71.3(455B).

ITEM 15. Subrule 73.20(1) is amended to read as follows:

73.20(1) Scope of dam safety inspection program. Dams subject to inspection under these rules are all-milldams; all dams which exceed the thresholds in rule 71.3(455B); and certain preexisting dams as described in

73.21(3). The scope of department staff field inspections normally is limited to visually observable features of dams and their appurtenant structures.

ITEM 16. Subparagraphs 73.21(1)"d" is amended to read as follows:

(1) Inspections by department personnel. All major structures shall be inspected by agency staff on a regular basis. The department staff shall notify the dam owner or agent before each inspection. High hazard structures shall be inspected at least once every two (2) years. Major structures not classified as high hazard shall be inspected at least once every five (5) years. Structures in poor condition shall be inspected more frequently until required repairs are completed. ~~Milldams shall receive annual inspections.~~ Each inspection shall assess the condition of the dam and appurtenant structures and the adequacy of operation and maintenance practices. If warranted, the inspection may include reevaluation of the ability of the dam and appurtenant structures to adequately withstand the hydraulic loadings and pass the appropriate design floods.

ITEM 17. Subparagraphs 73.21(2)"c"(3) is rescinded and reserved.

ITEM 18. Rule 567--73.22(109,455B,469) is amended to read as follows:

567--73.22(109,455B,469) Duty of dam owner to maintain, investigate, inspect and report. The owner of a dam has a responsibility to maintain the dam and appurtenant structures in a safe condition. The owner should perform regular inspections to identify potential maintenance problems. The owner of a dam which exceeds the thresholds in rule 71.3(455B) ~~or a milldam~~ will be required by the department to arrange for performance of engineering investigations when needed to evaluate potential safety problems. In any case where the department determines the need for follow-up inspections, the dam owner may be required to have a qualified person make inspections and prepare written inspection reports at specified intervals.

ITEM 19. The implementation clause of Chapter 73 is amended to read as follows:

The rules in this chapter are intended to implement Iowa Code sections 109.15, 455B.275, 455B.277, 455B.264, ~~469.1, 469.10~~ and 17A.12.

ITEM 20. Chapter 74 is rescinded and reserved.

ITEM 21. Subrule 75.1(1), Catchwords are amended to read as follows:

75.1(1) Regulation of development by issuance of ~~council~~ department flood plain management orders.

Date

Larry J. Wilson Director

(A:EP70-75.MJN/353-90/bkp)

IOWA DEPARTMENT OF NATURAL RESOURCES

TECHNICAL BULLETIN NUMBER 16

FLOODPLAIN MANAGEMENT PROGRAM DESIGN CRITERIA AND GUIDELINES FOR IOWA DAMS*

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* Adopted by reference 567--72.3(1)"a", Iowa Administrative Code

CHAPTER I
INTRODUCTION

The purpose of this bulletin is to set forth technical design criteria and guidelines that the Department of Natural Resources will use in reviewing applications to obtain a permit for construction, operation and maintenance or modification of a dam. Other requirements which must be met in order to secure such a permit are outlined in the Iowa Administrative Code under agency number 567. Several chapters of the department's administrative rules in 567 Iowa Administrative Code concern the construction, operation and maintenance of dams as follows:

Chapter 70 contains definitions of terms used in other chapters.

Chapters 50, 51 and 52 concern water permits which must be obtained to authorize storage of water in surface impoundments.

Chapter 71 explains when approval is required in order to construct, modify, operate and maintain dams.

Chapter 72 lists criteria for approval of dam projects.

Chapter 73 concerns operational procedures for dams, fluctuation of water levels in impoundments, abandonment and removal of dams, inspections of dam sites and dams, and designation of unsafe dams. Chapter 73 applies to all dams whose dimensions or effects exceed the regulatory thresholds in Chapter 71.

Copies of the department's administrative rules may be obtained from the Records Center, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319, upon request.

The above-described rules should be consulted when planning to construct or modify a dam, change the operation or use of a dam, or abandon or remove a dam. This bulletin is part of the above-described rules and is intended for use in conjunction with them. The chapters entitled "Hazard Classifications" and "Lands, Easements, Right-of-Way" are

substantively identical to rules published in the Iowa Administrative Code. These non-technical criteria are repeated in this bulletin for the convenience of the user.

Minimum requirements in this bulletin are labeled as "guidelines" or "criteria" depending on the frequency with which they are likely to be relevant to the safety of a particular type of structure. The distinction between criteria and guidelines is not intended to be rigid. When the applicability of a criterion or guideline to a particular project is not clear to the design engineer, the engineer should consult the department. Any permit issued by the department must explain the reasons for waiving conformity with a criterion or guideline determined to be applicable to the type of structure proposed.

Adoption and Amendment of Bulletin #16. This bulletin has been adopted as part of the department's administrative rules. Pursuant to Section 17A.6(3), Code of Iowa, this bulletin is not published in the Iowa Administrative Code but copies will be made available to the public upon request at no more than the cost of reproduction.

This bulletin may be amended from time to time by rulemaking proceedings. Amended editions of this bulletin will be identified in Chapter 72 of the department's rules by reference to the year and month that the new, superseding edition becomes effective. The user should obtain a copy of current departmental rules as published in the Iowa Administrative Code and compare the edition date on the cover page of this bulletin with the edition date identified in the rules.

CHAPTER II

HAZARD CLASSIFICATION¹

Dams shall be assigned a hazard class based on the potential consequences of failure. Anticipated future land and impoundment use shall be considered in the determination of hazard class. The criteria in this chapter shall be used to determine hazard class regardless of the methodology used in engineering design of a dam. The hazard class shall determine the design requirements of the structure as outlined in this bulletin. The hazard class shall be evaluated using the following criteria.

- A) Low Hazard. Structures located in areas where damages from a failure would be limited to loss of the dam, loss of livestock, damages to farm out-buildings, agricultural lands, and lesser used roads, and where loss of human life is considered unlikely.
- B) Moderate Hazard. Structures located in areas where failure may damage isolated homes or cabins, industrial or commercial buildings, moderately traveled roads or railroads, interrupt major utility services, but without substantial risk of loss of human life.

In addition, structures where the dam and its impoundment are of themselves of public importance, such as dams associated with public water supply systems, industrial water supply or public recreation, or which are an integral feature of a private development complex, shall be considered moderate hazard for design and regulatory purposes unless a higher hazard class is warranted by downstream conditions.

- C) High Hazard. Structures located in areas where failure may create a serious threat of loss of human life or result in serious damage to residential, industrial or commercial areas, important public utilities, public buildings, or major transportation facilities.

- D) Multiple Dams. Where failure of a dam could contribute to failure of a downstream dam or dams, the minimum hazard class of the dam shall not be less than that of any such downstream structure.

CHAPTER III

DESIGN FLOODS

A dam will be required to safely accommodate or pass certain minimum flood events. Routings of the flood hydrograph through the impoundment should begin at an elevation no lower than the normal operating level. The magnitude or frequency of the required flood discharges will vary with the hazard classification, size, and drainage area of the project.

A) Freeboard Design Flood

The specified freeboard design flood represents the greatest flood the dam must be designed to accommodate. The flood must be passed without overtopping of the dam and endangering its safety or the dam must be designed to withstand such overflow. Some erosion damage in earth emergency spillways will be tolerated, provided the safety of the dam would not be compromised.

For dams with emergency spillways, the top of dam elevation after settlement shall not be less than the highest peak pool elevation reached during the freeboard design flood. For dams without an emergency spillway, the top of dam elevation shall be two feet higher than the peak flood elevation expected to occur during passage of the freeboard design flood, unless it

¹ This chapter is substantively identical to 567--72.3(2)"a", Iowa Administrative Code.

is specifically designed to withstand the overflow.

In the following circumstances, the indicated freeboard design flood will be used:

- 1) All High Hazard Dams: The Probable Maximum Flood.
- 2) All Moderate Hazard Dams, and Low Hazard Dams Classified as Major Structures: One-half (0.5) of the Probable Maximum Flood (a flood hydrograph produced by multiplying the ordinates of the PMF hydrograph by a factor of 0.5).

- 3) Low Hazard Dams not Classified as Major Structures:

- a. Where the height of the emergency spillway crest* measured above the elevation of the channel bottom at the centerline of the dam (in feet) multiplied by the total storage volume (in acre-feet) to the emergency spillway crest elevation* is between 3,000 and 30,000, the flood shall correspond to the rainfall calculated from the following formula developed by the USDA Soil Conservation Service.

$$\text{Rainfall} = P_{100} + 0.12 (PMP - P_{100})$$

- b. Where the height of the emergency spillway crest* measured above the elevation of the channel bottom at the centerline of the dam (in feet) multiplied by the total storage volume (in acre-feet) to the emergency spillway crest elevation* is less than 3,000, the flood shall be that resulting from the 50-year, 24-hour

precipitation.

- B) Principal Spillway Design Floods and Discharge Capacity

The principal spillway is normally a concrete or metal conduit or structure which conveys water through or around the dam. Its size and discharge capacity are governed primarily by the following factors: the need to control flood discharges downstream from the dam, and the need to limit both the depth to which floodwaters are impounded and the length of time for which they are impounded. Related to these factors is the need to limit the frequency of operation of emergency spillways.

Except where special considerations must be addressed, the criteria listed below shall apply to the design of principal spillways. The design floods indicated must be passed by the principal spillway without need for operation of an emergency spillway.

- 1) Design Floods

- a. High Hazard Dams - the 100-year flood.
- b. Moderate Hazard Dams - the 50-year flood.
- c. Low Hazard Dams with drainage areas of 250 acres or more - the 25-year flood.
- d. Low Hazard Dams with drainage areas less than 250 acres - the 10-year flood.

- 2) The spillway discharge capacity shall be sufficient to evacuate at least 80% of the volume of water temporarily stored during the principal spillway design flood within 10 days.

Where this cannot be accomplished, the emergency spillway and freeboard design flood routings shall be made

beginning with the impoundment level at the 10 day drawdown elevation.

- 3) For dams with emergency spillways of structural concrete or which are excavated into sound rock, a higher frequency of use, and therefore a lower principal spillway design flood, may be permitted if flood control or dam safety would not be adversely affected.

*For dams without emergency spillways, the storage volume and height shall be determined by measuring to the top of dam elevation.

C) Rainfall Depth and Distribution

Precipitation values for various frequency storm events: 10, 25, 50, 100-year and PMP are contained in the Iowa Department of Agriculture and Land Stewardship publication, Climatology of Iowa Series #2, Revised, Iowa Rainfall Frequencies by Paul Waite. Ten day rainfall amounts are contained in the National Weather Service publication, Technical Paper No. 49.

Some acceptable methods of distributing the rainfall in Iowa are found in the U.S.D.A. Soil Conservation Service publication, TR-60, Earth Dams and Reservoirs, and the Illinois State Water Survey publication, Time Distribution of Rainfall In Heavy Storms by F. A. Huff.

D) Rainfall Losses

Conservative loss rates (interception, infiltration, etc.) and antecedent moisture conditions should be used in computing rainfall excess. Also, when applicable, snowmelt runoff rates should be estimated.

The Soil Conservation Service (SCS) weighted curve number method is acceptable for determining rainfall

losses and is explained in National Engineering Handbook Section 4 Hydrology, SCS, 1972.

E) Storm Duration

Criteria and guidelines for developing design storms from rainfall events are as follows:

- 1) The critical duration storm, or the storm which results in the highest water level in the impoundment, shall be used in determining the freeboard design flood for a high hazard dam.
- 2) Six hour storms are recommended for determining the freeboard design flood for dams designated in paragraphs A(2) and A(3)"a" of this chapter except where the time of concentration exceeds six hours. The 24-hour storm is recommended for dams designated in paragraph A(3)"b" of this chapter.
- 3) Twenty-four-hour (24-hour) or 10-day storms are recommended for developing principal spillway design floods.

CHAPTER IV

HYDRAULIC AND STRUCTURAL CRITERIA AND GUIDELINES FOR SPILLWAYS

The following criteria and guidelines are design considerations which will be used by the department to insure that spillway structures are capable of functioning safely and efficiently and of resisting the forces to which they may be exposed during the life of the structure.

- A) Spillways should be designed to operate safely for the life of the structure and at the discharges and pressures which would be experienced under all normal or flood flow conditions including the freeboard design flood.

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B) Anti-seepage collars or other means of piping and seepage control (e.g., drainage diaphragms), anti-vortex devices, trash racks or other inlet debris control measures, and outlet stilling basins should be provided for all conduits unless evidence can be presented establishing they are not necessary.

C) For dams where a conduit is proposed to serve as the principal spillway, suggested minimum sizes of the principal spillway conduit for the indicated type of structure are as follows:

- 1) High Hazard Dams and Moderate Dams classed as Major Structures - 36-inch inside diameter.
- 2) Moderate Hazard Dams not classed as Major Structures and Low Hazard Dams which are classed as Major Structures - 24-inch inside diameter.
- 3) Low Hazard Dams not classed as Major Structures but which have drainage areas of 250 acres or more - 18-inch inside diameter.
- 4) Low Hazard Dams with drainage areas under 250 acres - 12-inch inside diameter.

These minimum sizes are applicable to dams with emergency spillways or which are designed for overtopping only. For dams without emergency spillways, substantially larger conduit sizes with special provisions against plugging will normally be required.

D) Drop inlets (risers) should have an inlet cross-sectional area at least 1.5 times that of the conduit and should be constructed of comparable materials.

E) Conduits and risers should be of sufficient strength and have adequate

joints to withstand all anticipated external and internal pressures without damage or leakage, with provision made for vertical settlement. Conduits should be cambered where significant settlement of the overlying embankment is anticipated. Articulated or bell joints should be provided as necessary to accommodate the maximum elongation estimated to occur during the life of the structure. Risers must be designed to counteract buoyant forces.

F) Corrugated metal pipe conduits and risers should be close riveted with watertight connecting bands and should be fiber bonded, asphalt coated, or given equivalent protection. Cathodic protection shall be provided in corrosive soils. Corrugated metal pipe (CMP) conduits are not recommended for high hazard dams, moderate hazard dams classed as major structures, or where the height of earth fill over the conduit exceeds 25 feet.

G) Concrete conduit and drop inlet (riser) design using precast pipe sections should specify reinforced concrete pressure pipe.

H) Open concrete spillways, concrete box conduits, and concrete flumes or chutes should have longitudinal curbs or raised joints which will prevent contact by normal flows with the construction joint between the floor and wall slabs. Seepage barriers, drainage blankets and drains should be installed where needed to maintain hydraulic flow integrity through the structure and to accommodate anticipated settlement or elongation in the longitudinal or transverse directions.

I) Emergency spillways should be capable of safely conveying excess flood flows around or through the dam. They should not operate except at floods greater than the principal spillway design flood.

J) Earth emergency spillways should be subject to the following minimum requirements at the control section:

- 1) Minimum bottom width - 10 feet.
- 2) On Major Structures, minimum depth - 3 feet. On other structures, minimum depth - 2 feet. (Elevation of top of dam minus elevation of emergency spillway crest.)
- 3) The profile through the emergency spillway should be horizontal for at least 30 feet through the crest control section.
- 4) Exit channel slopes should not be less than 1% or greater than 10%, but should provide for maintaining critical depth control at the crest.

K) For dams where substantial erosion in the emergency spillway would pose the risk of a dam failure, the flow velocities during the freeboard design flood should be non-erosive. Where such erosion would pose no substantial risk of failure, the flow velocities should be non-erosive at the discharge which occurs when flow through the control section is at 30% of the maximum depth. On vegetated spillways, the non-erosive velocity should be determined assuming the vegetation is well established.

L) Emergency spillways should be constructed in undisturbed soil wherever possible. Where no viable alternative is available, they may be constructed on fill as a ramp spillway.

M) Smooth transitions in horizontal and vertical alignment should be provided at and between the inlet, the control at the crest and the outlet sections of emergency spillways.

N) All spillways should discharge a safe

distance from the toe of the dam, and the inlets and outlets should be so located and aligned as to minimize risk of erosion damage to the dam or of damage to downstream buildings, roads, dams or other structures.

O) An adequate energy dissipation structure (stilling basin) or an alternative acceptable method should be incorporated at the outlet of all structural spillways. On major structures, uplift analysis and arching requirements should be considered.

CHAPTER V EMBANKMENTS

The earth embankment of a dam should be designed and built according to the following criteria and guidelines.

A) Foreslopes and Backslopes. Embankments should be built of suitable materials and with stable slopes. Foreslopes should not be steeper than 3:1 (horizontal to vertical) in till or loess soils below the permanent water level. Above the permanent water level, foreslopes should not be steeper than 2.5:1 in till soil or 3:1 in loess soil. Backslopes should not be steeper than 2.5:1 in till soils or 3:1 in loess soils. Steeper foreslopes or backslopes may be used if justified by soil tests and stability analysis.

B) Settlement Allowance. A minimum vertical settlement allowance of five percent of the depth of fill should be provided unless a lesser amount is justified by soil tests.

C) Top Width. The minimum embankment top width should be 14 feet for dams 25 feet high or higher. As a rule of thumb, the top width could be reduced by two feet for every five feet of reduction in the height of the dam to a minimum width of eight feet. The top width of dams with roads across the crest should be consistent with

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normal roadway design practices, including roadway and shoulders.

- D) Core Trench. Core trenches should be located approximately along the centerline (axis) of the earth fill. It should be continuous across the base of the fill extending into and up the side slopes of the dam abutments to normal reservoir level. The core trench should be excavated to a minimum depth of five feet or until a suitable base material is reached. The base width should be that which will accommodate excavating equipment, but not less than eight feet. The side slopes of the core trench should not be steeper than 1:1, regardless of depth or width of base. Impervious material shall be used in backfilling the core trench.

- E) Wave Erosion Protection. On the upstream face of the dam, a horizontal bench or berm at least 10 feet wide usually should be provided at the normal pool elevation to limit damage from wave erosion. On larger impoundments, riprap or other physical means of protection should be considered whether or not the berm is provided.

- F) Site Preparation. All vegetation, sod, stumps, and large roots should be removed from the embankment site, and the ground surface scarified to provide bond with the earth fill. Overhanging banks, pits, or holes should be sloped and graded so slopes do not exceed 1:1, and any other sharp discontinuities in the ground surface shall be smoothed. Special consideration should be given to the removal of sandy or mucky deposits unless otherwise provided for in the design.

In till soils, topsoil should be saved and placed as a surface layer over the finished embankment to provide an adequate seed base in establishing vegetation.

- G) Fill. Fill material should be clean earth containing no appreciable amounts of vegetation, large rock, frozen material or other foreign substances. Fill should not be placed on a frozen foundation or in freezing weather.

Moisture content of the fill should be sufficient to assure adequate compaction. A moisture content slightly higher than optimum is recommended. An above optimum moisture content is desirable from the standpoint of providing a more plastic embankment capable of resisting greater differential settlement without experiencing potentially hazardous cracking. Unless otherwise specified after soil testing, fill should be placed in horizontal lifts not exceeding eight inches extending over the entire fill area and compacted by not less than four overlapping passes by sheepsfoot or rubber tired rollers. Smooth steel rollers or passes by caterpillar tracks are not considered adequate for compaction of earth-fill dams. The surface of the fill should be scarified or roughened if sufficient time elapses between lifts for a crust to develop.

Backfill adjacent to spillway structures and anti-seep collars should be carefully placed and compacted by hand equipment. Heavy equipment shall not pass over conduit structures until two feet of compacted earth cover is in place.

- H) Drains. Internal seepage control drains are recommended for all dams and are normally required on major structures unless soils investigation finds they are not needed. Drains should be capable of preventing saturation of the downstream portion of the embankment by intercepting any seepage through the fill or the foundation and any seepage along structural spillways or conduits.

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If springs are encountered during site preparation, drains should be provided to allow a controlled outlet.

I) Seeding. As soon as possible after earth fill for the embankment is completed, the embankment and any other exposed areas should be seeded. Mulch or other means of erosion control can be placed as part of seeding and maintained until vegetation is established. Grass or vegetative species selected for use should be appropriate for the soils and conditions expected at the site. Crown vetch is generally not acceptable for dam embankments or emergency spillways.

J) Riprap. Riprap shall be designed for its expected use and anticipated water velocities. All riprap should be placed on a properly designed bedding unless the gradation of the underlying base material is such that it will not infiltrate through the riprap, or an acceptable filter fabric is used.

K) Groins. Where the embankment foreslopes and backslopes intersect the natural or modified abutment slopes, appropriate groin design and erosion control recommendations should be provided.

Embankments composed of concrete, rock, or other materials, as associated with gravity, rockfill and arch dams, designed in accordance with standards by the U.S. Army Corps of Engineers, U.S.D.A. Soil Conservation Service, or the U.S. Bureau of Reclamation are generally acceptable. These types of dams are not normally constructed in Iowa.

CHAPTER VI

SPECIAL REQUIREMENTS FOR MAJOR DAM STRUCTURES

Because of the size, public importance, or potential hazard of a major dam structure, a higher level of investigation, design and assurance of proper construction is needed. A major dam structure is defined as a dam meeting any of the following criteria.

1. Any high hazard dam.
2. Any moderate hazard dam with a permanent storage exceeding one hundred (100) acre-feet or a total of permanent and temporary storage exceeding two hundred fifty (250) acre-feet at the top of the dam elevation.
3. Any dam, including low hazard dams, where the height of the emergency spillway crest measured above the elevation of the channel bottom at the centerline of the dam (in feet) multiplied by the total storage volume (in acre-feet) to the emergency spillway crest elevation exceeds 30,000. For dams without emergency spillways, these measurements shall be taken to the top of dam elevation.

As a condition of permit approval, the following items will be required for major dam structures.

- A) A soils and foundation investigation shall be made which includes the evaluation of slope stability requirements, anticipated vertical settlement and horizontal elongation, seepage and underseepage potential, whether cathodic protection is needed for metal pipes, and proper construction practices for the soil types and conditions encountered. Stability evaluation shall include end of construction, steady state seepage and sudden drawdown conditions.
- B) Anticipated sedimentation rates and their impact on the life and usefulness of the impoundment shall be investigated. Sediment storage shall be provided in the volume necessary for continuation of design uses of the impoundment throughout its design life.
- C) A gated low level outlet shall be provided which is capable of draining at least 50 percent of the permanent storage behind the dam within a reasonable length of time. The pipe conduits shall be designed so that

negative pressures will not occur at any point along the system.

- D) In order to assess the degree of threat to life and property located downstream of the dam, a dam breach analysis may be required. The analysis will be made to determine the most adverse failure condition and the resulting peak outflows and water surface elevations downstream of the dam following failure of the dam during the freeboard design storm.

- E) Construction shall be inspected by an engineer registered under Chapter 114 of the Code of Iowa or by a trained inspector under the supervision of the engineer. The engineer shall prepare and certify as-built plans after completion and a report detailing any unusual circumstances encountered during construction and submit them to the Department of Natural Resources, ATTN: Flood Plains.

- F) The applicant, as a condition of the permit, shall submit an annual maintenance and inspection report. The report shall describe maintenance work done since the previous annual report, describe any deficiencies observed in the dam or appurtenant structures, detail the remedial measures necessary and the method and time the applicant proposes to correct the deficiencies found. If there is a change in the land use downstream of the dam, this change should be noted on the annual maintenance and inspection report. The applicant may also be required to provide additional inspections and reports by an engineer or other qualified personnel.

CHAPTER VII SPECIFICATIONS

When detailed project specifications are prepared, they should include the following information.

- A) The general provisions, which specify the rights, duties, and

responsibilities of the Owner, Applicant, Applicant's Engineer, and Builder or Contractor, and the prescribed order of the work.

- B) The technical provisions which describe approved work methods, equipment, materials and desired end results.
- C) Special provisions as may be required which describe those technical details that are not usually contained in standard technical provisions.

CHAPTER VIII DAM BREACH ANALYSIS

- A) In some cases it will be necessary to evaluate the consequences of a dam failure to verify hazard classification or adequacy of design. A special case of dam breach analysis will involve failure or improper operation of flood control gates or other structures.
- B) Where such evaluations are made by the department's staff, the necessary data will be obtained from topographic maps or other available information. If that information is not adequate, the applicant may be required to obtain additional downstream survey data.
- C) Prediction of the downstream consequences of a hypothetical dam breach requires several component steps: development of the impoundment inflow hydrograph; routing the hydrograph through the impoundment; selecting failure conditions for the structure; calculating the outflow hydrograph from the failed structure; and modeling movement of the flood wave downstream to determine travel time, inundated areas, maximum water surface elevations, etc.

- D) The criteria, methodology, and computer programs developed by the U.S. Corps of Engineers, the National Weather Service, the U.S.D.A. Soil Conservation Service, and the U.S.

Geological Survey for simulating a hypothetical dam failure are, in general, acceptable.

CHAPTER IX OPERATING PLAN

For any dam with gates or other moveable structures which must operate or be operated during times of flood or to provide a minimum downstream release rate, a written operating plan shall be prepared. Development of such a plan is considered part of the design process. The following shall be addressed in preparation of the operating plan.

A) Responsibility

No operating plan can be expected to work properly unless it can be assured the necessary personnel will be present to operate the equipment, or, in the case of automatic equipment, to monitor it and insure it is functioning properly.

The plan shall identify who is responsible for operating and monitoring the equipment and provide means to assure the necessary personnel are present when needed.

B) Operating Circumstances

The circumstances under which operation must occur shall be clearly defined, and a means provided to insure that operating personnel are present when necessary.

C) Method of Operation

The means and methods by which operation is to be conducted shall be clearly defined. Included shall be such items as rates and sequences for opening or closure of gates, pool level vs. gate setting tables, etc., as required.

The operating plan shall allow for safe passage of all floods up to and including the freeboard design flood. Flood discharges through the dam

greater than the design peak flood inflows into the impoundment shall not be permitted. In design and analysis, due consideration shall be given to the potential impacts of the operating procedure on both downstream and poolside lands.

The plan should also address low flow situations and should specify a minimum release rate and how it will be provided and maintained.

Consideration shall also be given to and allowance made for the possible failure of or malfunctioning of the equipment.

D) Discharge Measurement

A means shall be provided to determine the discharge through the control structures, especially where operation is to maintain a minimum downstream flow. Control setting vs. discharge tables, streamflow gages or other means of obtaining discharge readings shall be provided. The settings of control structures shall be easily read.

CHAPTER X LANDS, EASEMENTS, RIGHTS-OF-WAY*

The determination of lands, easements, and rights-of-way required for the construction, operation and maintenance of a dam project are considered part of the design process. An application for approval of a dam project shall include information showing the nature and extent of lands, easements, and rights-of-way which the applicant has acquired or proposes to acquire for the project. Acquisition of lands, easements or rights-of-way for construction, operation, and maintenance of a dam project shall be consistent with the following criteria.

A) Ownership or perpetual easements shall be obtained for the area to be occupied by the dam embankment, spillways and appurtenant structures, and the permanent or maximum normal pool.

Design Criteria and Guidelines for Iowa Dams

- B) Ownership or easements shall be obtained for temporary flooding of areas which would be inundated by the flood pool up to the top of dam elevation and for spillway discharge areas.
- C) Easements covering areas affected by temporary flooding or spillway discharges shall include provisions prohibiting the erection and usage of structures for human habitation or commercial purposes without prior approval by the Department of Natural Resources.
- D) In locating the site of a dam and in obtaining easements and rights-of-way, consideration should be given to the impacts which changes in land use downstream of a dam and adjacent to the impoundment could have on the hazard class of the dam, the operation of the dam, and the potential liability of the dam owner.
- E) The applicant may be required to acquire control over lands downstream from the dam as necessary to prevent downstream development which would affect the hazard class of the dam.

* This chapter is substantively identical to 567--72.3(2)"b", Iowa Administrative Code.

CHAPTER XI HYDROLOGIC AND HYDRAULIC DESIGN REFERENCES

General

Handbook of Applied Hydrology by Ven Te Chow, McGraw-Hill Book Company, 1964.

Handbook of Applied Hydraulics by David and Sorensen, McGraw-Hill Book Company, 1969.

Handbook of Hydraulics by King and Brater, McGraw-Hill Book Company, 1963.

Water Resources Engineering by Linsley and Franzini, McGraw-Hill Book Company, 1963.

U.S. Department of Interior, Bureau of

Reclamation

Design of Arch Dams, 1977.

Design of Gravity Dams, 1976.

Design of Small Canal Structures, 1974, Revised Reprint, 1978.

Design of Small Dams, 2nd Edition, 1973, Revised Reprint, 1977.

Discharge Coefficients for Irregular Overfall Spillways, Engineering Monograph No. 9, 1952.

Hydraulic Design of Stilling Basins and Energy Dissipators, Engineering Monograph No. 25, 1978.

Unitgraph Procedures, 1965.

Interim Guidelines for Preparing Inundation Maps for Areas Downstream of Bureau of Reclamation Dams.

Corps of Engineers

Engineering Manuals (EM):

EM 1110-2-1411 Standard Project Flood Determinations.

EM 1110-2-1602 Hydraulic Design of Reservoir Outlet Structures.

EM 1110-2-1603 Hydraulic Design of Spillways.

EM 1110-2-1908 Instrumentation of Earth and Rockfill Dams.

EM 1110-2-2200 Gravity Dam Design.

EM 1110-2-2300 Earth and Rockfill Dams General Design and Construction Considerations.

EM 1110-2-50 Low Level Discharge Facilities for Drawdown of Impoundments.

EM 1110-2-1450 Hydrologic Frequency Estimates.

Design Criteria and Guidelines for Iowa Dams

ETL 1110-2-221 Wave Runup and Wind Setup
on Reservoir Embankments.

Mining Enforcement and Safety Administration

Engineering and Design Manual, Coal Refuse
Disposal Facilities, 1975.

Soil Conservation Service

National Engineering Handbook:

Section 4 - Hydrology

Section 5 - Hydraulics

Section 11 - Drop Spillways

TR-39 Hydraulics of Broad-Crested Spillway

TR-48 Computer Program for Project
Formulation-Structure Site Analysis
"DAMS-2"

TR-49 Criteria for the Hydraulic Design of
Impact Basins

TR-52 A Guide for Design and Layout of
Earth Emergency Spillways

TR-55 Urban Hydrology for Small Watersheds

TR-59 Hydraulic Design of Riprap Gradient
Control Structures

TR-60 Earth Dams and Reservoirs

TR-61 Computer Program for Water Surface
Profiles

TR-66 Simplified Dam Breach Routing
Procedure

DN-8 Entrance Head Losses in Drop-Inlet
Spillways

SMN-1 Tentative Guides for Determining the
Gradation of Filter Materials

National Weather Service

Technical Paper No. 40 - Rainfall Frequency
Atlas of the United States (for Duration
from 30 minutes to 24 hours and Return

Periods from 1 to 100 years), 1961.

Technical Paper No. 49 - Two to Ten Day
Precipitation for Return Periods of 2 to
100 Years in the Contiguous United States,
1964.

Hydrometeorological Report No. 51 -
Probable Maximum Precipitation Estimates,
United States East of the 105th Meridian,
June, 1978.

DAMBRK: NWS Dam-Break Flood Forecasting
Model, November, 1979.

Illinois State Water Supply

Precipitation Relations for Use in Dam
Safety Project by Floyd Huff, 1980.

Time Distribution of Rainfall in Heavy
Storms by Floyd Huff, 1967.

Iowa Department of Agriculture and Land
Stewardship

Climatology of Iowa Series #2, Revised,
Iowa Rainfall Frequencies by Paul Waite,
1988.

Climatology of Iowa Series No. 3 - Iowa's
Greatest 24-Hour Precipitation and Related
Storm Data by Paul Waite and Paul Jaeger.

United States Geological Survey

Bulletin No. 7 - Drainage Areas of Iowa
Streams by O.J. Larimer; Reprinted, March,
1974.

Bulletin No. 12 - Floods in Iowa, A
Comparative Study of Regional Flood
Frequency Methods by Oscar G. Lara, 1974.

Water Resources Investigation Report
87-4132 - Method for Estimating The
Magnitude and Frequency of Floods at
Ungaged Sites on Unregulated Rural Stream
in Iowa, by Oscar G. Lara, 1987.

Federal Highway Administration

Hydraulic Engineering Circulars:

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HEC No. 10 - Capacity Charts for the Hydraulic Design of Highway Culverts, November, 1972.

HEC No. 11 - Use of Riprap for Bank Protection, June, 1967.

HEC No. 13 - Hydraulic Design of Improved Inlets for Culverts, August, 1972.

HEC No. 14 - Hydraulic Design of Energy Dissipator for Culverts and Channels, December, 1975.

HEC No. 15 - Design of Stable Channels with Flexible Linings, October, 1975.

Hydraulic Design Series No. 1 - Hydraulics of Bridge Waterways, 2nd Edition, 1970.

Hydraulic Design Series No. 3 - Design Charts for Open-Channel Flow, 1973.

Hydraulic Design Series No. 4 - Design of Roadside Drainage Channels, 1965.

Hydraulic Design Series No. 5 - Design of Highway Culverts, September 1985.

Agricultural Research Service

The SAF Stilling Basin, 1959.

Hydraulics of Closed Conduit Spillways, Parts I - XVII.

Mr. Stokes gave a brief explanation of the rules.

Nancylee Siebenmann suggested several editorial changes to paragraph "d" on page three.

Motion was made by Margaret Prah1 to approve Final Rule--Chapter 70, Floodplain Development Permits, with the suggested changes. Seconded by Gary Priebe. Motion carried unanimously.

FINAL RULE--CHAPTER 135, ADOPTING U.S. EPA RULE CHANGES ON
ISSUANCE OF CERTIFICATE EVIDENCING COMPLETION OF REMEDIATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption of rule amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks". Changes made to the federal underground storage tank rules that correct a rule reference and permits another method of overfill prevention are being adopted. This will keep Iowa's rules consistent with federal rules as required by 455B.474 of the Code of Iowa.

The new subrule, 135.7(9), is being adopted to meet the requirement of Iowa Code section 455B.304. This subrule provides for issuance of a certificate by the department to an underground storage tank owner evidencing completion of a remediation action.

No changes have been made to the originally proposed rule amendments. Only one written comment was received. The commentor questioned the need for waiting 90 days after receiving the department's letter acknowledging completion of remediation before issuance of the certificate. The 90 day waiting period is specified in 455B.304 of the Code.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission adopts amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The amendments adopt changes made in the federal underground storage tank regulations by the U.S. Environmental Protection Agency and provides for the issuance of a certificate to the owner of an underground petroleum storage tank evidencing completion of a remediation action by cleaning the site to the then current action standards.

A new method of overfill protection as adopted by the federal regulations is being added to Chapter 135. The proposed rule on issuing a certificate evidencing completion of a remediation mirrors the requirements found in section 455B.304 as amended by House File 2552, Seventy-third General Assembly. The only additions to the Code requirements are the request for a certificate be made after receiving a letter acknowledging compliance with the action standards from the department, clarification when further remediation can be required, and that the certificate does not constitute a warranty of the property's condition.

Notice of Intended Action was published in the Iowa Administrative Bulletin, November 14, 1990 as ARC 1445A. No changes have been made to the proposed rule. Only one comment was received and it questioned the need for waiting 90 days after receiving a letter acknowledging compliance with current action standards before issuance of the certificate. The 90 day waiting period is specified in 455B.304 of the Code.

These rules will become effective March 27, 1991.

These rules are intended to implement Iowa code sections 455B.424 and 455B.304.

ITEM 1. Amend 135.5.(1)"c" by revising the first note immediately after the table entitled "Schedule for Phase-in of Release Detection" as follows:

P = Must begin release detection for all pressurized piping in accordance with 135.5(2)"b"(1)-and-135.5(3)"b"(4):

ITEM 2. Amend 135.3(1)"c"(1)"2" by adding the following paragraph.

2. Overfill prevention equipment that will:

Automatically shut off flow into the tank when the tank is no more than 95% full; or

Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high level alarm.; or

Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off the flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

ITEM 3. Add the following new subrule 135.7(9).

135.7(9) Certificate of completion for a site remediation. Upon a written request of an underground petroleum storage tank owner, the Department of Natural Resources will issue a certificate to the owner evidencing completion of a remediation action by cleaning the site to then current action standards. The following conditions apply:

a. The written request to the department for the certificate must be made after receiving the department's letter acknowledging compliance with current action standards.

b. The certificate will be issued if the department does not order further remediation work to be performed within ninety days of the department's letter acknowledging compliance with current action standards.

c. A person issued a certificate shall not be required to perform further remediation solely because action standards are changed at a later date. Further remediation of the contamination could be required if the action standards in place at the time of certificate issuance are again found to be exceeded.

d. The certificate shall not prevent the department from ordering remediation of a new release or a release of a regulated substance from an unregistered tank.

e. The certificate may be recorded with the county recorder to evidence completion of a remediation in the chain of title.

f. The certificate will not constitute a warranty of any kind to any person as to the condition, marketability or value of the described property.

Date

Larry J. Wilson, Director

Mr. Stokes distributed possible language changes to clarify staff intent regarding action standards. The recommended change was to add the words "or alternative levels as approved by the department" to the end of the sentence in 135.7(9) and 135.7(9) "a" & "b". He also suggested, in response to legislators comments earlier in the day, that under item c, page 2, the latter part of the paragraph be deleted so it would then read: "A person issued a certificate shall not be required to perform further remediation."

Discussion followed regarding cleanup responsibility.

Motion was made by Margaret Prahl to approve Final Rule--Chapter 135, Adopting U.S. EPA Rule Changes on Issuance of Certificate Evidencing Complete Remediation as amended with the suggested language changes. Seconded by Gary Priebe. Motion carried unanimously.

Commissioner Hartsuck returned to the meeting at 3:00 p.m.

FINAL RULE--CHAPTER 136, ADOPTING RULE CHANGES MADE IN FEDERAL REGULATIONS (FINANCIAL RESPONSIBILITY FOR UST'S)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption of amendments to Chapter 136, "Financial Responsibility for Underground Storage Tanks". The amendments adopt changes made in the federal underground storage financial responsibility regulations by the U.S. Environmental Protection Agency. This will keep Iowa's rules consistent with the federal regulations as required in section 455B.474 of the Code of Iowa.

The amendments correct errors and add clarification to the current rules. The compliance dates for showing financial responsibility are also being extended one year for petroleum marketers with 13-99 tanks to April 26, 1991 and petroleum marketers with one to twelve tanks and non-marketers to October 26, 1991.

No changes have been made to the originally proposed rule amendments. Only one written comment was received. The commentor noted that the U.S. EPA had adopted a rule extending the date local governments have to show financial responsibility until rules on self-insurance for local governments are adopted. Since this is a new rule change, separate rule making will need to be done to allow for public comment.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission adopts amendments to Chapter 136, "Financial Responsibility for Underground Storage Tanks." The amendments adopt changes made in the federal underground storage tank regulations by the U.S. Environmental Protection Agency.

The majority of the amendments correct errors and add clarification to current rules. The compliance dates for showing financial responsibility are being extended one year for petroleum marketers with thirteen to ninety-nine tanks to April 26, 1991, and petroleum marketers with one to twelve tanks and non-marketers to October 26, 1991.

Notice of Intended Action was published in the Iowa Administrative Bulletin, November 14, 1990, as ARC 1441A. No changes have been made to the proposed rules. The one written comment received noted an additional rule change made to the federal rules that needs to be adopted. This will be addressed in future rule amendments.

These rules will become effective March 27, 1991.

These rules are intended to implement Iowa code section 455B.424.

ITEM 1. Amend subrule 136.2(3) as follows:

136.2(3) All petroleum marketing firms owning 13-99 USTs at more than one facility: ~~April-26;-1990~~ April 26, 1991.

ITEM 2. Amend subrule 136.2(4) as follows:

136.2(4) All petroleum UST owners not described in subrules 136.2(1) to 136.2(3), including all local government entities; ~~October-26;-1990~~ October 26, 1991.

ITEM 3. Amend rule 567--136.3(455B) Definition of Terms by adding the following new definition.

"Termination" under 136.8(2)"a" and "b" means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy date for compliance established in rule 136.2(455B).

ITEM 4. Amend paragraph "a"(1) of subrule 136.8(2) as follows:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks:

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to subrule 567--135.3(3) and the name and address of the facility.] for [insert: "taking corrective action" and /or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or nonsudden accidental releases" or "~~accidental-releases~~" "accidental release; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy;" if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's

liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of this policy is [date].

ITEM 5. Amend "d" in subparagraph 136.8(2)(a)"2" as follows:

d. Cancellation or any termination of the insurance by the ["Insurer" or "Group"] except for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such written notice is received by the insured.

ITEM 6. Amend paragraph "e" in 136.8(2)(6)"2" as follows:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or termination of the policy. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Group"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the previous policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in subrule 567--136.8(2) "ENDORSEMENT" and that the ["Insurer" or "Group"] is ["licensed to transact business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states"].

[Signature of authorized representative of Insurer or Risk Retention Group]

[Name of person signing]

[Title of person signing], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

ITEM 7. Amend subparagraph "b"(1) of subrule 136.8(2) as follows:

1. [Name of Insurer or Risk Retention Group], [the "Insurer" or "Group"], except for the nonpayment of premium or misrepresentation by the insured, as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s):

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to subrule 567--135.3(3) and the name and address of the facility.] for [insert: "taking correction action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" "accidental release; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy"; if coverage is different for different tanks or locations, indicate

the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of this policy is [date].

ITEM 8. Amend paragraph "d" in 136.8(2)(b)"2" as follows:

d. Cancellation or any termination of the insurance by the ["Insurer" or "Group"] except for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such written notice is received by the insured.

ITEM 9. Amend paragraph "e" in 136.8(2)(b)"2" as follows:

e. ~~The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or termination of the policy.~~ The insurance covers claims otherwise covered by the policy that are reported to the ["Insured" or "Group"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in subrule 567--136.8(2) "CERTIFICATE OF INSURANCE" and that the ["Insurer" or "Group"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states"].

[Signature of authorized representative of Insurer

[Type Name]

[Title], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

ITEM 10. Rescind paragraph 136.14(1)"b" and replace it with the following:

Termination of insurance or risk retention group coverage, except for non-payment or misrepresentation by the insured, or state funded assurance may not occur until 60 days after the date on which the owner or operator receives notice of termination, as evidenced by the return receipt. Termination for nonpayment of the premium or misrepresentation by the insured may not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

Date

Larry J. Wilson, Director

Mr. Stokes gave a brief explanation of the rule.

Nancylee Siebenmann asked for an interpretation of Item 6, page 2 and Item 9, page 3.

Mr. Stokes explained his interpretation.

Motion was made by Margaret Prah1 to approve Final Rule--Chapter 136, Adopting Rule Changes Made in Federal Regulations (Financial Responsibility for USTs). Seconded by Rozanne King. Motion carried unanimously.

IOWA GROUNDWATER PROTECTION STRATEGY BIENNIAL UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Commissioners were mailed a draft copy, dated December 17, 1990, of the above referenced report. The Iowa Code requires the Environmental Protection Commission to report to the General Assembly on the status and implementation of the groundwater protection strategy every two years. The draft report reviews the status and implementation of each of the 27 recommendations which were approved by the EPC and contained in the report entitled Iowa Groundwater Protection Strategy - 1987.

Attached is a revision to recommendation C12 from what was contained in the December 17th draft. The revision entails the addition of the last paragraph to the Action section of C12. The revisions provide an update of manure storage activities that are underway in the Integrated Farm Management Demonstration Program projects.

The EPC is requested to approve the report for submittal to the General Assembly. The final report will be accompanied by the most recent groundwater program status and evaluation report.

Draft copy of the report is on file in the department's Records Center.

(C12) Recommendation

"The Environmental Protection Commission recommends that a program be developed to help construct manure storage facilities so that existing organic fertilizer sources may be more effectively utilized. Further, county committees which set Agricultural Conservation Program (ACP) priorities are urged to encourage these facilities as well as making ACP cost-share alternatives for such facilities available."

(C12) Action

As the response indicates in (B7) Action, the DNR has not performed any "special assessments" that might lead to action with manure storage facilities.

Manure storage facilities are not an eligible practice under the Iowa Financial Incentive Program for Soil Erosion Control, the state cost-share program administered by the Division of Soil Conservation of the Department of Agriculture and Land Stewardship (DSC/DALS).

Certain animal waste management practices are eligible practices under both the Water Quality Protection Projects and the Water Protection Practices components of the State Water Protection Fund. These funds are available only to farmers living in:

a) project areas receiving Water Quality Protection Project funds (projects proposed by county soil and water conservation districts (SWCD), funding decisions made by DSC/DALS);

b) an area of a county which the SWCD has designated (and DSC/DALS has approved) as its priority for use of Water Protection Practice funds; or,

c) a county in which the SWCD has designated (and DSC/DALS has approved) animal waste management as its priority for use of Water Protection Practice funds (about a third of the SWCDs have designated animal waste management as a priority).

Priorities for the use of ACP funds are set by each county Agricultural Stabilization and Conservation Society (ASCS) committee. Manure storage facility construction has been eligible for ACP cost-sharing at a level of 50-75%. Until 1988, ACP cost-share funds for manure storage facilities were limited to a \$3500 maximum. That policy, however, has been recently modified. Construction of manure storage facilities are now eligible under ACP through long-term agreements; as such, up to \$35,000 of ACP funds may be used for construction of these facilities.

The Integrated Farm Management Demonstration Program (IFMDP) has implemented educational efforts concerning the effective use of organic fertilizer sources, in cooperation with other projects, in selected areas of Allamakee, Benton, Buchanan, Clayton, and Fayette counties. Nutrient testing is being conducted on livestock manures from various manure handling systems, to refine nutrient value estimates. Recommendations based only on a field's need for nitrogen may cause over-application of phosphorus (P) and potassium (K). Therefore, soil testing is being conducted to identify (P) and (K) values in individual fields. Based upon these test results, recommendations concerning application rates and appropriate fields for manure application can be made. The distribution of organic fertilizers will be improved by only adding manure to those fields having lower P and K values, which require the nutrients for optimum yields.

Mr. Combs presented an overview of the report and asked Commission approval of same.

A brief discussion followed.

Motion was made by Nancylee Siebenmann to approve the Iowa Groundwater Protection Strategy Biennial Update for FY 1990. Seconded by Richard Hartsuck. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--FIRST IOWA STATE BANK

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On December 22, 1987, the department issued Administrative Order No. 87-SW-33 to Richard J. and Sonja L. Davis, and to First Iowa State Bank. That action required the parties to clean up a solid waste dump site, and to pay a \$1,000.00 administrative penalty. That action was appealed by First Iowa State Bank and the matter proceeded to administrative hearing on written stipulation of facts and legal briefs, and oral argument on July 27, 1990. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 2, 1991. The decision affirms the Order, with the exception of reducing the penalty by \$300.00 as to First Iowa State Bank.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the history of this case and noted that the party has appealed, therefore it will be brought before the Commission at a later date.

PROPOSED CONTESTED CASE DECISION--CHICAGO & NW TRANSPORTATION CO.
- HAWKEYE LAND CO. - & BLUE CHIP ENTERPRISES

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On May 5, 1989, the department issued Administrative Order No. 89-HC-02 to the above parties. That action required the three companies to submit and implement a plan of investigation to determine the extent of soil and groundwater contamination at a site in Iowa Falls. That action was appealed and the matter proceeded to administrative hearing on March 13, 14, and 21,

1990. The Administrative Law Judge issued a Proposed Findings of Fact, Conclusions of Law, and Order on December 13, 1990. Due to the length of the decision it has been sent to the Commissioners separately. The decision affirms the department's Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the history of this case and noted that all three parties have appealed, therefore it will be brought before the Commission at a later date.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Cedar Hills Apartment, Patti Frank, owner (Dubuque) -
water supply

Cedar Hills Apartments

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

GENERAL DISCUSSION ITEMS

Discussion took place regarding whether or not all testimony given before the Commission on referrals is considered by the A.G.'s office. Mr. Murphy affirmed that all testimony is considered by that office.

Discussion took place regarding LUST financial responsibility, state aid, and amount to be paid by tank owners.

Richard Hartsuck suggested that the Commission look at possible language to state that if contaminated soil is contained in an impermeable layer of soil no further remediation be required.

Director Wilson stated that staff will pursue this issue.

Chairperson Mohr announced that the Commission will tour Big Spring in conjunction with the June, 1991 meeting.

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 4:20 p.m., Monday, January 22, 1991.



Larry J. Wilson, Director



Charlotte Mohr, Chairperson



Nancy Lee Siebenmann, Secretary

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